

# News From The States

## REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



*Protesters attended the annual March for Life rally on Jan. 19, 2024 in Washington, D.C. The U.S. Supreme Court will hear oral arguments for an abortion pill case this month. (Anna MoneyMaker/Getty Images)*

Anti-abortion groups, dozens of state attorneys general and more than 140 members of Congress are urging the U.S. Supreme Court to restrict access to mifepristone, one of two drugs used to terminate pregnancies.

The court has received several amicus briefs backing **Alliance for Hippocratic Medicine**, the group of anti-abortion doctors that initially sued the U.S. Food and Drug Administration over mifepristone, [States Newsroom](#) reported.

Justices on the same court that overturned Roe v. Wade nearly two years ago will hear arguments in the case on **March 26**. The outcome could limit access to medication abortion

across the nation.

**Alliance Defending Freedom**, the conservative legal organization representing the anti-abortion group, argued in its latest [brief](#) that doctors who oppose abortion are forced to treat patients who have medical complications after taking abortion pills. (Mifepristone is used in tandem with misoprostol to terminate pregnancies up to 10 weeks along, according to the FDA.)

“It’s not hard to see why doctors who consider abortion objectionable are harmed when they must complete a chemical abortion—even if the child is no longer alive,” ADF wrote.

Issues stemming from abortion medication are rare, according to [medical consensus](#). But anti-abortion doctors want the FDA to toughen regulations on mifepristone. Pre-2016 restrictions would revert the drug’s use to seven weeks of pregnancy, only let doctors prescribe the pill, ban telehealth abortion, prohibit the pills delivery by mail and increase in-person clinical visits.

Some **145 members of Congress** from 36 states signed a [brief](#) in the case, urging the nation’s high court to curtail access. They wrote that the FDA’s looser regulations on mifepristone “exceeded its congressionally authorized power.”

Attorneys general from [25 states](#) submitted a brief in support of the Alliance for Hippocratic Medicine. They said the FDA’s mifepristone regulatory changes since 2016 abuse federal power: “Those actions test the separation of powers, sap federalism, and take important decisions from the people.”

**THE BEAT** *States Newsroom coverage*

## Alabama passes IVF protections while red states still push ‘personhood’ abortion laws



*Alabama GOP Rep. Terri Collins sponsored a bill that shields in vitro fertilization treatments after a Feb. 16 state Supreme Court decision shut down most IVF programs. (Brian Lyman/Alabama Reflector)*

## Legislative Tracker

Republican lawmakers continue to introduce [anti-abortion laws](#) in states where the procedure is already banned. But a seismic Alabama Supreme Court [ruling](#) that declared frozen embryos are “unborn children” shifted the political axis in the state.

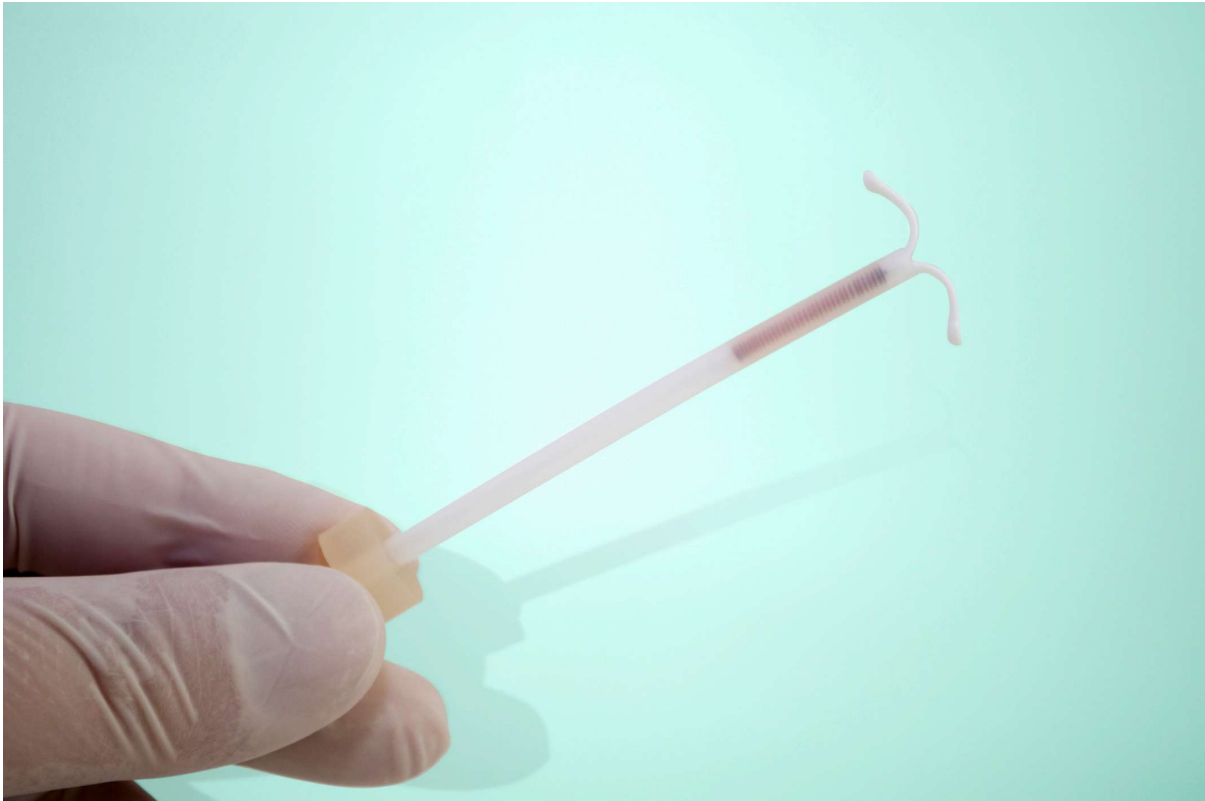
[Alabama](#) passed measures last week to protect IVF providers from criminal or civil action in most circumstances. That hasn’t stopped other states from pushing bills that could give embryos “personhood” rights. An [Alaska](#) Republican recently introduced a bill that would define “life” and “person” in criminal law.

In [Florida](#), where the legislative session wraps up soon, Republicans postponed a bill that would let people file wrongful death lawsuits for embryos and fetuses. Meanwhile, [Iowa](#) House lawmakers just passed a bill requiring health and wellness instructors to screen a fetal development video produced by Live Action, a longtime anti-abortion group. Copycat legislation has been enacted in [North Dakota](#) and introduced in Kentucky, Missouri and West Virginia.

Read more about legislation from around the nation at [News from the States](#).

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# Indiana birth control counseling bill for postpartum moms on Medicaid sparks uproar



*Intrauterine devices are one of the most effective forms of birth control. An Indiana anti-abortion group is concerned that IUDs are abortifacients. (Getty Images)*

A bill that would require Indiana physicians to discuss [long-acting, reversible contraceptive](#) options for new mothers with Medicaid coverage is facing **criticism from Republicans who believe intrauterine devices induce abortions**. House lawmakers passed Democratic Rep. Rita Fleming's bill last month, [Indiana Capital Chronicle](#) reported. But GOP Rep. Cindy Ledbetter amended the measure to make providers solely offer subdermal implant options, leaving out the IUD requirement.

Ledbetter said **Indiana Right to Life** encouraged her to tweak the bill, because the group was concerned that IUDs cause abortion. They don't: The tiny, T-shaped plastic devices are inserted into the uterus where they block sperm from fertilizing eggs, according to the [American College of Obstetricians and Gynecologists](#).

**The bill has Indiana Democrats at odds.** Senate Democrats want the measure to include IUD language, whereas House Democrats maintain doctors could still discuss all forms of long-term birth control with patients. "We want a version of the bill that can pass both chambers and get signed into law," the House Democrats spokesperson told the Capital Chronicle. "If subdermal implants is that, that's a win in our book."

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# Montana judge strikes down three anti-abortion laws passed in 2021

A Montana judge ruled that three anti-abortion laws the state passed in 2021 placed unreasonable and unconstitutional limits on abortion. The restrictions were already blocked, but the decision permanently struck down the laws, [Daily Montanan](#) reported.

Yellowstone County District Court Judge Kurt Krueger issued his ruling Thursday. He wrote that the laws, which included a **20-week abortion ban**, a **24-hour waiting period** and an **ultrasound requirement**, were not based in medical science. They also **infringed on the state constitutional right to privacy**, the judge concluded. Krueger cited a 1999 Montana Supreme Court ruling that determined abortion is protected by privacy rights.

“The state cites to Dobbs for its assertion that it has a compelling interest in ‘respecting and preserving human life, including prenatal life at all stages of development,’ regardless of determinations of viability. But Dobbs does not control here. Federal precedent is not binding on questions of state constitutional law,” Krueger wrote, pointing to a 2008 U.S. Supreme Court case.

Planned Parenthood of Montana and Dr. Samuel Dickman, the organization’s medical director, were plaintiffs in the case. The ruling doesn’t affect other restrictions the Republican-controlled legislature passed in 2023. Those laws were quickly blocked by the courts, but they’re still being challenged.

## **THE PULL** *Commentary from Missouri*

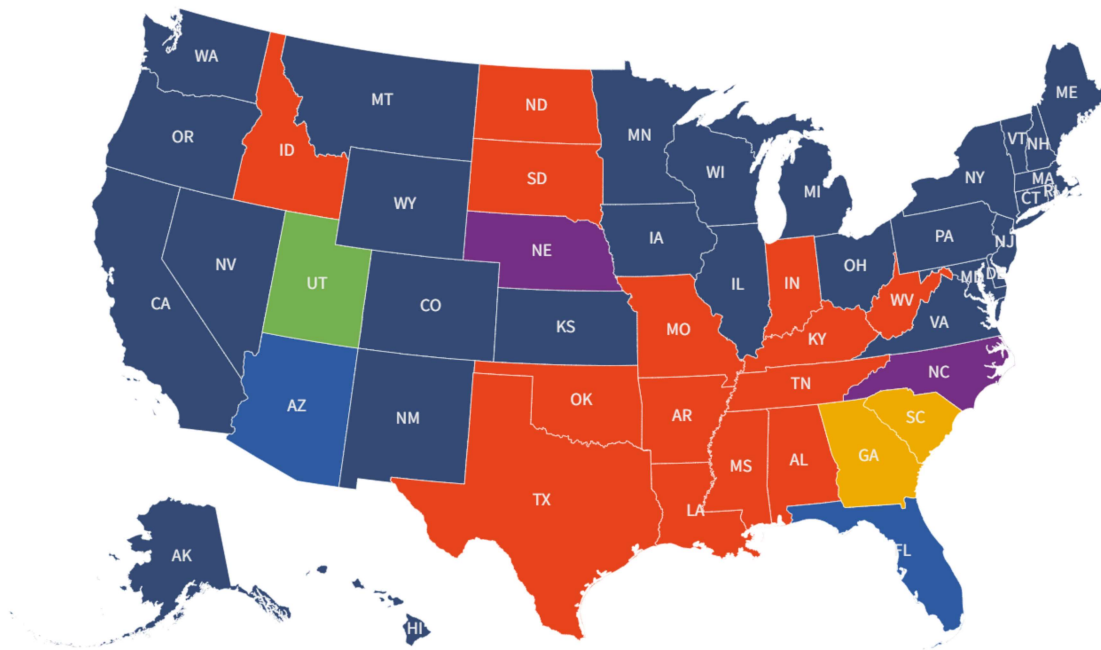
“The theology dominating Missouri’s Capitol is similar to that of the Alabama chief justice who [invoked](#) God while declaring in a ruling that fertilized frozen embryos are people. That decision has [upended](#) in vitro fertilization in the state, leaving some families who want to have children through IVF finding their plans canceled. Bad theology enacting as public policy can have devastating consequences.” — **Rev. Brian Kaylor**, Baptist minister and editor-in-chief of Word&Way magazine, [Missouri Independent](#)

## **THE PULSE** *Reproductive rights news across the country*

- The State Bar of Texas disciplined a county attorney for pursuing murder charges against a woman who self-managed her abortion in 2022. ([Texas Tribune](#))
- Ohio Republican U.S. Senate candidate Bernie Moreno, who supports a federal 15-week abortion ban, said calls for IVF protections are “a manufactured issue.” ([Ohio Capital Journal](#))
- A Democratic lawmaker wants to put free period products in Colorado grade school bathrooms. ([Colorado Newsline](#))

- Mississippi Democratic Rep. Zakiya Summers authored a bill that would secure access to contraception. ([Mississippi Today](#))
- CVS and Walgreens will start selling mifepristone in states where abortion is legal. ([The 19th\\*](#))
- An Americans for Contraception poll found that most voters believe their right to birth control is at risk. ([The New York Times](#))
- Just 12% of large employers expanded abortion insurance coverage after the U.S. Supreme Court overturned Roe v. Wade. ([CNN](#))

**STATE BY STATE** *Abortion access in the U.S.*



Open this interactive map in your browser

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