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**Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised May 14, 2024**

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
<b>AL</b>	Banned except to avoid death of the mother or a serious risk of substantial physical impairment of a major bodily function, or in cases of lethal fetal anomalies. Does not apply to ectopic pregnancies. ( <a href="#">Ala. Code §26-23H-4</a> ).	Class A felony - provider faces life imprisonment ( <a href="#">Ala. Code §26-23H-6</a> ).	Prescribing physician must be physically present ( <a href="#">Ala. Code §26-23E-12</a> ).  Ban applies to use of mifepristone (RU-486), but not Plan B (morning after pill) according to state officials.	<i>LePage v. Center for Reproductive Medicine</i> On February 16, 2024, the Alabama Supreme Court ruled that frozen embryos conceived via IVF are considered “children” under the Wrongful Death of a Minor Act. The ruling reversed a decision by a lower court that dismissed a wrongful death lawsuit involving three couples undergoing fertility treatments. Subsequent to this ruling, on March 8, 2024, the Alabama legislature enacted Alabama SB 159 which provides civil and criminal immunity for death or damage to an embryo or any individual or entity when providing or receiving services related to in vitro fertilization. Under SB 159, no action, suit, or criminal prosecution for the damage to or death of an embryo shall be brought or maintained against any individual or entity when providing or receiving services related to in vitro fertilization and no criminal prosecution may be brought for the damage to or death of an embryo against the manufacturer of goods used to facilitate the in vitro fertilization process or the transport of stored embryos. Further, for the damage to or death of an embryo brought against the manufacturer of goods used to facilitate the in vitro fertilization process or the transport of stored embryos, damages shall be limited to compensatory damages calculated as the price paid for the impacted in vitro cycle.
<b>AK</b>	Legal throughout pregnancy. Protected by state constitution.			

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AZ	<p>A pre-Roe criminal ban with an exception to save the life of the mother (Ariz. Rev. Stat. §13-3603) has been held by the state supreme court to be enforceable. Enforcement of §13-3603 may only be prospective from 4/9/2024 and the decision of the court is stayed until 4/23/2024 to allow parties to request an additional delay as other constitutional challenges are litigated. Additionally, a more recent 15-week ban (except to save the life of the mother or prevent serious risk of substantial and irreversible impairment of major bodily function) that took effect on 9/29/2022 was held by the supreme court to be concurrently enforceable with §13-3603. Medication abortion services are banned.</p> <p><b>UPDATE: The pre-Roe criminal ban has been repealed but the repeal of this ban will not take place until 91 days after the end of the 2024 legislative session which is undetermined at this time.</b></p>	<p>Pre-Roe ban: 2-5 years in prison; 15-week ban: Class 6 felony (up to 2 years in jail and \$150k fine) and loss of license (<u>Ariz. Rev. Stat. §§36-2324, 2325</u>); subject to civil suits by parents or grandparents of the unborn child.</p>	<p>Bans mail/shipment of abortion inducing drugs (Ariz. Rev. Stat. §36-2160).</p> <p>Does not apply to contraceptives (Ariz. Rev. Stat. §36-2151).</p>	<p><b>UPDATE: Following the decision by the state supreme court (see below), the Arizona legislature introduced several bills aimed at modifying these holdings, and Arizona House Bill 2677 was subsequently enacted. House Bill 2677 repeals – in its entirety – Ariz. Rev. Stat. §13-3603, which was the pre-Roe criminal ban with an exception to save the life of the mother previously discussed. The repeal of this section does not go into legal effect until 91 days after the end of session, which at this point is undetermined. The 2023 session ended on July 31, 2023, and it is believed that the 2024 session will end sometime around July 31, 2024. Until this new law takes effect, the pre-Roe criminal ban remains in place; however, on Monday, May 13, 2024, the Arizona Supreme Court issued another ruling granting a 90 day stay of enforcement of the pre-Roe criminal ban. This stay will run through August 12, 2024. Depending on when the legislative session ends and on any further court action, this may or may not leave a period of time wherein a healthcare provider could be charged under the pre-Roe criminal statute for providing abortion services. While this all plays out, the more recent 15-week ban (except to save the life of the mother or prevent serious risk of substantial and irreversible impairment of major bodily function) that took effect on 9/29/2022 continues to be valid and enforceable.</b></p>

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AZ (contd. 2)				<p><i>Planned Parenthood Arizona v. Hazelrigg</i> (formerly <i>Planned Parenthood v. Mayes</i>)</p> <p>On May 13, 2024, the Arizona Supreme Court stayed enforcement of A.R.S. Section 13-3603 for 90 days so the state attorney general may appeal to the U.S. Supreme Court and denied the request for a stay by Planned Parenthood pending repeal. On May 1, 2024, Planned Parenthood filed a motion in the state supreme court to stay enforcement of A.R.S. Section 13-3603, criminalizing abortion, pending repeal of the law. The criminal ban is effective June 27, 2024, and the repeal of the ban won't take effect until 90 days after the end of the state's legislative session, which does not have a set end date, but is typically the budget deadline of June 30, 2024. However, there is no certainty that the session will end once a budget is completed. On April 9, 2024, the Arizona Supreme Court held that A.R.S. Section 13-3603, criminalizing abortion except to save the life of the mother, is enforceable. The court held that A.R.S. Section 13-3603 may only be prospectively enforced and is stayed for 14 days to allow the parties to go back to the trial court to request a stay to continue litigation of additional constitutional challenges. The court held that A.R.S. Section 13-3603 is concurrently enforceable with the law outlawing abortions at 15 weeks, until one is repealed by the legislature. On December 12, 2023, the Arizona Supreme Court heard oral arguments. The case name changed because Arizona Attorney General Kris Mayes declined to pursue the case, so the court permitted Dr. Eric Hazelrigg of an anti-abortion clinic to intervene as the named party in the case. On August 22, 2023, the Arizona Supreme Court permitted Yavapi County to intervene and ordered briefs due September 20, 2023, and amicus briefs due October 18, 2023. On March 1, 2023, the medical director of an anti-abortion pregnancy center requested that the state supreme court review the court of appeals decision and enforce the trigger ban that the court of appeals held was usurped by new laws. The case name changed to substitute the former state attorney general, Mark Brnovich, for Kristin Mayes, the current state attorney general. On December 30, 2022, the court of appeals ruled that the pre-Roe law cannot be enforced because newer laws have been passed since then. The court of appeals declined to repeal the pre-Roe law. On November 30, 2022, a three-judge court of appeals panel heard oral arguments. On October 7, 2022, a state court of appeals granted Planned Parenthood's request for an emergency stay on the pre-Roe law "pending resolution of this appeal." On September 30, 2022, the trial court judge refused Planned Parenthood's request to stay her ruling pending appeal. On September 22, 2022, an Arizona Superior Court Pima County judge reinstated Arizona's pre-Roe abortion law (A.R.S. Section 13-3603), ruling that the pre-Roe law superseded the recently enacted 15-week state abortion law, because the "Legislature specifically stated the statute did not repeal A.R.S. Section 13-3603."</p>

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<b>AZ</b> (contd. 3)				<p><i>Isaacson v. Arizona</i>            On October 24, 2022, the state attorney general and the plaintiffs agreed to stay this lawsuit in Maricopa County so the Planned Parenthood v. Mayes suit in Pima County may proceed first. On October 3, 2022, a physician and the Arizona Medical Association, represented by Perkins Coie and the Arizona ACLU, filed suit against the state in a Maricopa County trial court to clarify enforcement of the state's anti-abortion laws following reinstatement of a pre-Roe abortion law by a Pima County judge. They argue that more recent laws enacted by the legislature that regulate abortion, like the 2022 15-week abortion law, must be harmonized with the pre-Roe law. Specifically, in recent laws, the legislature specifically authorizes physicians to provide abortions, unlike the pre-Roe law.</p>
<b>AR</b>	Banned except to save life of the mother. Medication abortion services banned. Takes effect upon certification by AG. Does not apply to ectopic pregnancies ( <u>Ark. Code 5-61-303 to 304</u> ).	Unclassified felony: Up to \$100k fine and up to 10 years in prison. ( <u>Ark. Code 5-61-304(b)</u> ).	Does not apply to any contraceptive drug or measure administered before a pregnancy could be detected (Ark. Code 5-61-304(c)(2)).	
<b>CA</b>	Legal through viability. Protected by state constitution and state law. Based on the November 8, 2022 unofficial election results, voters enacted Proposition 1 that established a right to reproductive freedom, including the right to contraception and abortion. Under the California Constitution's Article II § 10, an initiative or referendum approved by the voters takes effect on the fifth day after the Secretary of State files the statement of the vote, unless the proposition provides otherwise.			
<b>CO</b>	Legal throughout pregnancy. Protected by state law.			

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CT	Legal through viability. Protected by state law.			
DE	Legal through viability. Protected by state law.			
DC	Legal throughout pregnancy. Protected by state law.			
FL	Legal through 24 weeks; however, a 6-week ban (SB 300) was recently enacted with exceptions for rape, incest, and human trafficking if the pregnancy is under 15 weeks and a police report is filed. The 6-week ban was made effective only after the state supreme court made certain decisions. This law replaces a prior 15-week ban with exceptions to save the life of the mother, prevent imminent substantial and irreversible physical impairment of major bodily function, or in cases of severe fetal abnormalities (Fla. Stat. §390.0111). The 15-week ban was temporarily blocked by pending court action.			<p><i>Planned Parenthood of Southwest and Central Florida v. Florida</i> On April 1, 2024, the Florida Supreme Court upheld the state's 15-week abortion ban. In a 6-1 opinion, a majority determined that the state constitution's right to privacy does not include the right to an abortion. They heard oral arguments in this case on September 8, 2023. On February 27, 2023, plaintiffs filed briefs in the state supreme court, arguing HB 5 is unconstitutional under the state constitution's privacy protections. On January 23, 2023, the state supreme court declined to reinstate the temporary injunction but agreed to hear the case and ordered initial briefs to be filed on February 27, 2023. This lawsuit challenges HB 5's 15-week abortion ban. The trial court issued an injunction preventing the law from going into effect, but the state First District Court of Appeals lifted the injunction.</p> <p><i>Pomerantz v. Florida; Hafner v. Florida; Capo v. Florida; Doe v. Florida; Chotso v. Florida</i> Five separate state lawsuits, filed on or about August 1, 2022, on behalf of multiple religious groups challenge Florida's abortion law under state law protections regarding the free exercise of religion.</p> <p><i>Advisory Opinion to the Attorney General re: Limiting Government Interference with Abortion</i> On February 7, 2024, the Supreme Court heard oral arguments. On January 3, 2024, the Florida Supreme Court set oral argument for February 7, 2024 on the issue of whether a constitutional amendment may qualify for the ballot. The ballot language would provide that "No law shall prohibit, penalize, delay, or restrict abortion before viability or when necessary to protect the patient's health, as determined by the patient's healthcare provider." The Florida Attorney General filed briefs argued that the ballot language word "viability" is ambiguous.</p>

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<b>GA</b>	Legal through 6 weeks. A trial court ruled that the 6-week ban was void at inception and was unenforceable, but the Georgia Supreme Court granted a stay on the order pending appeal. The 6-week ban included with exceptions for rape, incest, the pregnancy is medically futile, to prevent severe impairment of major bodily function and to protect life of the mother enjoined pending appeal. Ban applies to use of abortion-inducing drugs. Does not apply to ectopic pregnancies. (Ga. Code Ann. §16-12-141).	Criminal penalty: 1-10 years in prison ( <a href="#">Ga. Code Ann. §16-12-140</a> ); the mother of the unborn child may seek civil damages ( <a href="#">Ga. Code Ann. §16-12-141(g)</a> ).		<i>Sistersong v. State of Georgia</i> On October 24, 2023, the Georgia Supreme Court overturned the trial court’s ruling that the state’s six-week abortion ban was void at inception. The state high court held that the U.S. Supreme Court’s overruled decisions, <i>Roe v. Wade</i> and <i>Planned Parenthood v. Casey</i> , cannot be the basis for declaring the six-week abortion ban unconstitutional even when the law was enacted while <i>Roe</i> and <i>Casey</i> were good law. The court remanded the case to the trial court to consider challenges to the law on other grounds. On March 28, 2023, the Supreme Court heard oral arguments. On November 23, 2022, the Georgia Supreme Court granted a stay, pending appeal, on the November 15, 2022, trial judge ruling, following a trial on the merits, that the state's six-week abortion ban was void at inception because at the time it was enacted, pre-viability abortions were protected. The courts have ruled that the legislature cannot enact unconstitutional laws. The bench trial began on October 24, 2022. On October 5, 2022, the judge denied a request to delay trial on the constitutionality of law until after the November 2022 elections. On August 15, 2022, a judge on the Superior Court of Fulton County denied a request to block Georgia’s six-week abortion ban. The case was filed by the ACLU and reproductive health providers and challenges the six-week abortion ban under the state constitution.
<b>HI</b>	Legal through viability. Protected by state law.		HB 4664 (2022) the law was expanded to include assisted reproductive care, to protect the licenses of those legally providing these services, and to clarify reporting to out-of-state authorizes is not required.	

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ID	Banned except for rape, incest, and to save the life of the mother which would have been effective 30 days after <i>Dobbs</i> ( <u>Idaho Code Ann. §18-622</u> ), but a federal court's preliminary injunction prevents enforcement of laws against physicians who are providing emergency treatment to a patient under EMTALA.	Felony punishable by 2-5 years in prison. Medical license suspended 6 months, permanently for second offense ( <u>Idaho Code Ann. §18-622(2)</u> ).	Does not apply to any contraceptive drug or device, including those which prevent implantation of a fertilized ovum ( <u>Idaho Code Ann. §18-622(1)</u> ).  HB 242 (2023) – On April 5, 2023, Governor Brad Little signed a law creating the crime of "abortion trafficking." An adult commits the crime of abortion trafficking if the adult (1) intends to conceal an abortion from the parents or guardian of a pregnant, unemancipated minor, (2) either procures an abortion or obtains an abortion-inducing drug (3) for the pregnant minor to use for an abortion (4) within this state. Abortion trafficking includes recruiting, harboring, or transporting the pregnant minor in the state. As used in this subsection, the terms "procure" and "obtain" shall not include the providing of information regarding a health benefit plan. The law is effective 30 days after passage and approval—in and around May 5, 2023. (Idaho Code Ann. §18-623.)	<i>Adkins v. State of Idaho</i> On September 12, 2023, the Center for Reproductive Rights filed a lawsuit on behalf of women who were denied or delayed in receiving medically necessary abortion care despite facing severe and dangerous pregnancy complications. Additionally, the lawsuit was filed on behalf of a local Idaho medical association and four physicians who argue they are unable to provide care to patients because the bans threaten them with harsh criminal, financial and professional penalties. The lawsuit seeks to clarify the abortion laws' exceptions to allow physicians to provide life-saving care without waiting for patients to be near death. The lawsuit also seeks to clarify and expand the exceptions under the two bans to ensure physicians can provide abortion care to preserve a pregnant person's health and for cases of fatal fetal diagnoses.  <i>Planned Parenthood v. Idaho</i> (multiple cases) On January 5, 2023, the state supreme court upheld the state's abortion restrictions. Planned Parenthood filed three lawsuits challenging three of Idaho's abortion laws—the trigger ban, the civil lawsuit enforcement bill, and an abortion ban limiting abortions to six weeks of pregnancy—as unconstitutional. These three laws may have been superseded by the abortion ban that went into effect on August 25 but are still on the books. The court consolidated the three cases for the purposes of oral arguments. Oral arguments took place on October 6, 2022. Planned Parenthood argued to recognize a state constitutional right to abortion and the state attorney general argued that the issue should be left to voters.

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IL	Legal through viability. Protected by state constitution and state law.		HB 4664 / Chapter 1117 (2023) – Reproductive Health Act. In its lame duck session, Illinois passed a 272-page law that expands upon its reproductive health laws. The law clarifies that healthcare providers, medical institutions, and pregnant persons will not be subject to a cause of action for the wrongful death of a fetus caused by a legally performed abortion and protects the licenses of healthcare providers providing such services. The law states that under IL law, healthcare providers are not compelled to report lawful healthcare activity to another state, even if that healthcare is illegal in the other state. The law protects consumers’ access to, and insurance coverage of, FDA-approved reproductive healthcare drugs and includes assisted reproductive care as part of the provisions contained in the state’s comprehensive reproduction health care act. Effective January 13, 2023.	



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IN	A newly enacted law, effective September 15, 2022, banned abortion except when the life of the mother is at risk and for lethal fetal anomalies, but two courts have issued temporary injunctions stopping enforcement of the law as the legal challenges proceed in court. The law allows exceptions for some abortions if the pregnancy was a result of rape or incest. Prior to September 15, 2022, it was legal up to 20 weeks.		Prescribing physician must be physically present.	<p><i>Planned Parenthood Great Northwest v. Medical Lic. Brd. of Indiana</i>            On November 9, 2023, plaintiffs filed a brief in state trial court in support of a motion for an injunction to stop enforcement of S.B. 1 in so far as it makes illegal abortions to protect or save the life of the mother. This follows the state supreme court's decision on the matter. On August 21, 2023, the request for rehearing was denied. On July 31, 2023, the plaintiffs filed a petition for rehearing. On June 30, 2023, the Indiana Supreme Court in a 4-1 decision held that the state constitution did not include broad protections for abortion but did include protection to save the life of the mother. This permits most of the state's abortion ban to go into effect. On January 19, 2023, the Indiana Supreme Court heard oral arguments. On October 12, 2022, the Indiana Supreme Court issued an order granting a request to transfer the state's interlocutory appeal (an appeal made before the end of a trial) directly to the high court but denied the state's request to block the trial court's injunction stopping enforcement of the state's anti-abortion law. As part of its order, the supreme court permitted the appeal and the trial court proceedings to move forward at the same time. On September 22, 2022, an Indiana trial judge issued a temporary injunction stopping enforcement of S.B. 1 "pending trial on the merits." On August 30, 2022, the lawsuit was filed challenging the constitutionality of the state's anti-abortion law under the state's right to privacy and equal privileges protections.</p>
IN (cont.)				<p><i>Hoosier Jews for Choice v. Medical Lic. Brd. of Indiana</i>            On April 1, 2024, the Indiana Court of Appeals unanimously affirmed a religion freedom challenge to the state's near total abortion ban, but remanded the case to the trial court to craft a more narrow preliminary injunction. On January 30, 2023, the Indiana Supreme Court declined to accept immediate review of this case and is permitting the matter to proceed through the lower courts. On December 9, 2022, the Indiana Attorney General filed a request in the state supreme court requesting that the high court immediately review the preliminary injunction in this case, bypassing the intermediate-level court of appeals. On December 2, 2022, a trial court issued a preliminary injunction preventing enforcement of the state's anti-abortion law because the law substantially burdens the plaintiffs' exercise of religion. The preliminary injunction is in place while the challenge proceeds in court. This is the second injunction blocking the abortion law. On September 8, 2022, the ACLU of Indiana filed a lawsuit on behalf of religious groups and five anonymous plaintiffs that argues that the state's abortion ban violates Indiana's Religious Freedom Restoration Act (RFRA), since Jewish, Muslim, Unitarian Universalist, Episcopal, and pagan faiths recognize a right to abortions that would be banned under Indiana law.</p>

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IN (cont.) 2				<p><i>The Satanic Temple v. Holcomb</i> On September 21, 2022, The Satanic Temple sued the Indiana Governor and Attorney General in U.S. District Court, Southern District of Indiana, to stop enforcement of the state's anti-abortion laws under various provisions of the federal constitution and the state's Religious Freedom Restoration Act (RFRA).</p> <p><i>Bernard v. Rokita</i> On December 8, 2022, plaintiffs voluntarily dismissed their lawsuit against the attorney general following a ruling that the trial court no longer had jurisdiction of the matter. On December 2, 2022, the trial court ruled that it no longer had jurisdiction over the matter following the state attorney general's submission of the case to the state medical board on November 30, 2022. However, the judge wrote that the attorney general's statements "are clearly unlawful breaches of the licensing investigations statute's requirement that employees of the Attorney General's Office maintain confidentiality over pending investigations until they are so referred to prosecution." On November 18, 2022, a trial court held a hearing on the physician's request to quash the state attorney general's subpoenas for a ten-year old patient's records. Plaintiffs provided an abortion to the ten-year old who was the victim of a sexual assault. On November 3, 2022, three Indiana physician providers of abortion services filed suit against the Indiana Attorney General for injunctive relief to prevent investigations for providing pregnancy termination services.</p> <p><i>In the Matter of the License of: Caitlin Bernard, M.D.</i> On May 25, 2023, the Indiana Medical Licensing Board voted to fine Dr. Caitlin Bernard \$3,000 and issue a letter of reprimand but did not suspend her license. The state medical license board scheduled a hearing for February 23, 2023, to determine the medical license status of Dr. Caitlin Bernard for alleged violations of laws involved in performing an abortion on a ten-year patient who was the victim of sexual assault. The complaint alleges that Bernard "failed to immediately report the abuse and rape of a child to Indiana authorities" after performing the abortion on a ten-year-old girl.</p>

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IA	<p>Legal up to 20 weeks; however, a 6-week ban with exceptions in case of rape, incest, fetal abnormality incompatible with life, and to preserve the life of or prevent substantial and irreversible impairment of major bodily function to the mother (<a href="#">Iowa Code §146C.2</a>) blocked by court injunction. The state is seeking removal of injunction.</p> <p>HF 732 prohibits abortion after cardiac activity can be detected with limited exceptions to include rape, incest, fetal abnormality that a physician reasonably believes is incompatible with life, and serious health risks to the pregnant person. The bill was introduced and passed on July 11, 2023 during a special session called for the sole purpose of addressing abortion and the Iowa Supreme Court’s deadlock regarding the enforcement of the previously enacted legislation.</p>	<p>Penalties to be determined by board of medicine (<a href="#">Iowa Code §146C.2(5)</a>).</p>	<p>On February 15, 2024, Iowa’s medical board approved guidance for abortion providers regarding the state’s ban on most abortions after about six weeks of pregnancy. The board’s language supplements the law’s definition of “unborn child” to clarify that it pertains to “all stages of development, including embryo and fetus.” The rules also outline the information physicians must document for a patient to be treated under the limited exceptions carved out in the law. The documentation should be maintained in the patient’s medical records, enabling physicians to point to the information, rather than rely on memory. In the circumstance of fetal abnormality, the board specifies physicians should document how they determined a fetus has a fetal abnormality and why that abnormality is “incompatible with life.”</p>	<p><i>Planned Parenthood of the Heartland v. Reynolds</i>            On November 8, 2023, the Iowa Supreme Court agreed to hear an appeal to the trial court injunction. On July 26, 2023, the state supreme court ruled that the governor may appeal the trial court injunction. On July 17, 2023, a state trial court judge issued a temporary injunction stopping enforcement of HF 732. On July 14, 2023, a state trial court heard oral arguments. On July 12, 2023, ACLU of Iowa, Planned Parenthood North Central States and the Emma Goldman Clinic filed a lawsuit to prevent HF 732 from becoming effective July 14, 2023. HF 732 prohibits abortion after cardiac activity can be detected with limited exceptions to include rape, incest, fetal abnormality that a physician reasonably believes is incompatible with life, and serious health risks to the pregnant person.</p> <p><i>Planned Parenthood of the Heartland v. Reynolds</i>            On June 16, 2023, the Iowa Supreme Court in a 3-3 split opinion (one justice not taking part) failed to achieve a majority which left intact the trial court’s ruling that permanently enjoined from enforcement the state’s fetal heartbeat abortion ban. On April 11, 2023, the Iowa Supreme Court heard oral arguments. On December 12, 2022, the trial court ruled that there is no process for reversing a permanent injunction and denied the request. On October 28, 2022, the trial court heard arguments to lift the permanent injunction from the Governor and plaintiffs. On October 14, 2022, plaintiffs Planned Parenthood of the Heartland, the Emma Goldman Clinic, and Dr. Jill Meadows filed arguments in support of the January 22, 2019 permanent injunction that they received preventing enforcement of the state's fetal heartbeat bill. The filings were in response to arguments filed August 11, 2022 by attorneys for Iowa Gov. Kim Reynolds, who is asking the state courts to lift the three-year-old injunction.</p>

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KS	Legal up to 22 weeks. Protected by state constitution.		<p>Prescribing physician must be physically present.</p> <p><b>HB 2264 / Chapter 88 (2023)</b> – Effective July 1, 2023. Kansas amended its definition of abortion to clarify that services are not an abortion for purposes of civil or criminal penalties when they are provided to preserve the health or life of a fetus or remove a dead fetus or ectopic pregnancy, requires notification regarding the potential ability to reverse the effect of mifepristone, requires physicians to provide information to persons using mifepristone, and establishes criminal and civil penalties for individuals violating these laws.</p>	<p><i>Hodes &amp; Nauser MDs PA v. Kobach</i> On October 30, 2023, the trial judge issued a temporary injunction preventing enforcement of HB 2264's requirements that a healthcare provider must tell a patient that a medication abortion is reversible, and that abortion is linked to breast cancer. On June 6, 2023, Planned Parenthood Great Plains and a group of physicians sued the state challenging as unconstitutional parts of HB 2264 that requires physicians to tell their patients five times that "it may be possible to reverse the intended effects of a medication abortion that uses mifepristone." The healthcare providers seek a temporary injunction preventing enforcement of the law that is effective July 1, 2023.</p> <p><i>Trust Women's Foundation v. Bennett</i> On November 23, 2022, a trial court issued a temporary injunction preventing enforcement of Sections 6 and 7 of the Telemedicine Act and K.S.A. 654a10 that banned telemedicine abortions. This lawsuit was filed in 2018 by the Center for Reproductive Freedom on behalf of plaintiffs. In 2019, a two-judge majority of the Kansas Court of Appeals panel reversed the trial court's denial of a temporary injunction.</p>

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**Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised May 14, 2024**

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
KS (Contd.) 2			<b>HB 2749 (2024)</b> – Effective July 1, 2024, Kansas requires licensed healthcare providers to collect personal information regarding reasons an abortion is being sought and for medical care facilities to submit a biannual report regarding abortions to the state’s Secretary of Health and Environment. Except in the case of a medical emergency, persons seeking an abortion in Kansas will be required to identify the most important reason they want to terminate the pregnancy from a list of eleven (11) items. The answers must be summarized in a statutorily prescribed manner and used to populate a state mandated report that medical care facilities must submit on a biannual basis.	

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KY	Banned except to save the life of mother or prevent serious, permanent impairment of life-sustaining organ. <u>(Ken. Rev. Stat. Ann. §311.722).</u>	Class D felony with up to 5 years in prison. <u>(Ken. Rev. Stat. Ann. §311.722(3)(b)).</u>	Prescribing physician must be physically present.  Ban applies to use of abortion-inducing drugs, but does not apply to any contraceptive drug or device administered prior to pregnancy (Ken. Rev. Stat. Ann. §311.722(6)).  On November 8, 2022, voters rejected a constitutional amendment that would have stated the state's constitution provides no protection for abortion rights. Abortion remains banned but not constitutionally prohibited.	<i>EMW Women’s Surgical Center v. Cameron</i> On June 27, 2023, the trial judge dismissed the lawsuit following the state supreme court decision that the medical defendants lacked standing to bring the challenge to most of the law. On February 16, 2023, a majority of the Kentucky Supreme Court left the Trigger and Heartbeat Bans in place without deciding on the Bans’ constitutionality. It returned the case to the trial court for further proceedings. A majority of the court held that the medical plaintiffs only had standing to challenge the Trigger Ban and had no standing to challenge the Heartbeat Ban. On November 15, 2022, the Kentucky Supreme Court heard oral arguments on whether to stop enforcement of the state's Trigger Ban and Heartbeat Bans on abortion. Oral arguments were delayed until after the November 8, 2022 midterm election. According to unofficial election results, voters rejected an amendment that would have made explicit that abortion was not protected by the state constitution. The state attorney general requested that the state high court not consider the apparent rejection of the abortion clarification. On August 18, 2022, the Kentucky Supreme Court denied an emergency request for an injunction to stop Kentucky’s Trigger Ban and Heartbeat Ban but accepted the case for review. On July 22, 2022, a trial court issued a temporary injunction on the Trigger Ban and Heartbeat Ban, but on a motion from the attorney general, the intermediate level court of appeals almost immediately dissolved the temporary injunction and recommended the case go directly to the State Supreme Court.  <i>Doe v. Cameron</i> On December 11, 2023, the attorneys for plaintiff Doe notified the court that plaintiff's unborn child no longer had cardiac activity. However, plaintiff requested that the court continue with the class action suit. On December 8, 2023, a woman, identified as Jane Doe, filed a class action lawsuit in state court in Jefferson County challenging the state's two abortion bans--KRS 311.772 (the “Total Ban”) (attached as Exhibit A) and KRS 311.7701–11 (the “Six-Week Ban”).
KY (cont.)				<i>Sobel v. Cameron</i> On October 6, 2022, three women filed a lawsuit in Jefferson County trial court to stop the state's anti-abortion law, arguing that the law violates the state constitution and their Jewish faith as applied to their past and future use of in vitro fertilization.

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LA	Banned except to save the life of mother or prevent serious, permanent impairment of life-sustaining organ. ( <a href="#">La. Stat. Ann. §40:1061</a> ). Court action is pending.	Provider may be fined up to \$1,000 per incident and imprisoned for up to 2 years. Allows unborn child's mother to file civil suit. Allows for professional disciplinary action. ( <a href="#">La. Stat. Ann. §40:1061.29</a> ).	Ban applies to use of abortion-inducing drugs, but does not apply to any contraceptive drug or device administered prior to pregnancy ( <a href="#">La. Stat. Ann. §40:1061(E)</a> ).	
ME	Legal through viability. Protected by state law.			

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State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
<b>MD</b>	Legal through viability. Protected by state law.		<b>SB 859, HB 808 / Chapters 246, 247 (2023)</b> Maryland enacted the “Reproductive Health Protection Act” to further protect information related to “legally protected health care” when that information is sought by another state; prohibits a health occupations board from taking disciplinary actions related to the provision of legally protected health care; <b>prohibits a medical professional liability insurer from taking adverse actions against a practitioner related to the practice of legally protected health care;</b> and, with limited exceptions, prohibits state entities, agents, and employees from participating in any interstate investigation that seeks to impose liabilities or sanctions against a person for activity related to legally protected health care. Effective June 1, 2023.	
<b>MA</b>	Legal up to 24 weeks. Protected by state constitution and state law.			



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State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
MI	<p>Legal throughout pregnancy.</p> <p>On November 8, 2022, voters enacted Proposal 3 establishing a new individual right to reproductive freedom, including the right to make and carry out all decisions about pregnancy, such as contraception, abortion, miscarriage management, and infertility.</p>		<p><b>Michigan SB 474, HB 4955, HB 4949 / Chapters 209, 204, 286 (2023)</b> Michigan codified the state's constitutional right to reproductive freedom, repealed several provisions relating to pre-abortion screenings and post-abortion reporting, referral restrictions, and criminal penalties, as well as clarified the meaning of abortion so that contraceptives and treatment to remove dead fetus or miscarriage are not considered abortion. Effective: February 13, 2024.</p> <p><b>HB 4006, SB 2, HB 4032 / Chapters 11, 12, 13 (2023)</b> On April 5, 2023, Michigan Governor Whitmer signed a series of bills relating to reproductive healthcare that collectively repeal the state's 1931 ban on abortion and related restrictions on contraception as well as the criminal penalties associated with these services. HB 4006 repeals the law that imposed a felony upon those administering medicine or employer surgical means to affect an abortion as well as a felony upon those advertising such services. SB 2 repeals the prohibition on the publication or sale of information that instructs the methods to prevent conception, yield a miscarriage, or</p>	

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MN	Legal through viability. Protected by state constitution.		<b>HF 1 / Chapter 4 (2023)</b> Minnesota enacted the “Protect Reproductive Options Act” (Act). The law defines reproductive health care, establishes that individuals have a fundamental right to make autonomous decisions about one’s own reproductive health, affirms that the state’s constitution includes reproductive health care within its protections for individual liberty, privacy, and equality, and prohibits local governments from adopting regulations that are more restrictive than those provided in the Act. Effective January 31, 2023.	<i>Dr. Jane Doe v. Minnesota</i> On April 3, 2023, the court of appeals upheld an August 4, 2022 trial court ruling that a Traverse County attorney did not have a right to intervene in the suit. On July 11, 2022, the trial court ruled in favor of plaintiff that the following laws were unconstitutional: a ban on qualified advance-practice clinicians providing abortion care, a requirement forcing patients to delay their abortion care by at least 24 hours after consulting with a healthcare provider, a requirement that young people notify both parents before they can receive abortion care, a requirement forcing abortion providers to give irrelevant and misleading information to their patients, a ban on the provision of second-trimester abortion care outside of hospitals, and regulations that subject abortion providers to felony criminal penalties for minor regulatory infractions. The trial court held that the Minnesota Constitution protects not just a fundamental right to choose abortion, but also a fundamental right to access abortion care. In May, 2019, plaintiffs filed suit against the state, governor, attorney general, and various other governmental agencies for a preliminary injunction against state anti-abortion laws and laws governing sexually transmitted infections on the grounds that they violated the constitution.
MN (Cont.)			<b>HF 366 / Chapter 31 (2023)</b> The law, effective April 28, 2023, requires patient consent prior to release of reproductive healthcare records, prohibits the state Board of Medical Practice from taking disciplinary action against healthcare providers who provide reproductive healthcare services that are lawful in Minnesota, including prohibiting refusal to license a provider who is convicted in another jurisdiction of providing reproductive healthcare that is lawful in Minnesota. In addition, the law allows a person to sue someone who brings a case against them for providing reproductive services that are legal in Minnesota, prohibits extradition of persons who provided reproductive services in	

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<b>MS</b>	Banned except to save the life of the mother or in cases of rape reported to police (Miss. Code Ann. §41-41-45).	Between 1 and 10 years in prison (Miss. Code Ann. §41-41-45).		<p><i>American Assoc. of Pro-Life Obstetricians and Gynecologists v. Mississippi State Bd. of Medical Lic.</i>            On November 14, 2022, the Mississippi Justice Institute filed a lawsuit on behalf of the American Association of Pro-Life Obstetricians and Gynecologists against the state board of medical licensure to resolve a conflict between state supreme court precedent and state law on the right to an abortion. In 1998, the state supreme court previously held the state constitution’s right to privacy contained “an implicit right to have an abortion.” However, a 2007 trigger law, Miss. Code Ann. § 41-41-45, outlaws all abortion except to save the life of the mother.</p>
<b>MO</b>	Banned except to save the life of the mother or avoid serious risk of irreversible physical impairment of major bodily function (MO Rev. Stat. §188.017).	Class B Felony: 5-15 years in prison; suspension or revocation of license (MO Rev. Stat. §188.017).		<p><i>Fitz-James v. Bailey</i>            On July 20, 2023, the Missouri Supreme Court affirmed the judgment of the circuit court making permanent a writ of mandamus ordering Attorney General Andrew Bailey to approve fiscal note summaries for eleven proposed initiative petitions. A hearing on the request is scheduled for June 4, 2023. On May 4, the ACLU filed a lawsuit against the state’s attorney general, the secretary of state, and the state auditor for missing the deadline to post the ballot summaries and titles for the reproductive rights initiative petitions. The attorney general has allegedly failed to approve the fiscal note that must accompany a ballot measure. The ACLU seeks a writ and declaratory judgement to have the court declare the attorney general’s actions unlawful and unconstitutional and require the secretary of state to certify a ballot title, which would allow proponents to begin to collect signatures.</p> <p><i>Blackmon v. State of Missouri</i>            On January 19, 2023, 13 Christian and Jewish leaders filed a lawsuit in state trial court in St. Louis against the State of Missouri, seeking a permanent injunction barring enforcement of the state’s abortion laws as a violation of the state constitution’s separation of church and state. The lawsuit challenges a “trigger” provision in §188.017 (the “Total Abortion Ban”) banning all abortions in the state in the event that Roe was overturned. The lawsuit also challenges the series of cascading abortion bans--8-week, 14-week, 18-week, and 20-week pre-visibility abortion bans--that would take effect if §188.017 were enjoined (collectively, the “Gestational Age Bans”), and a ban on particular reasons for obtaining abortion care, §188.038 (the “Reason Ban”).</p>

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State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
MT	<p>Legal through viability; HB 721 (2023) prohibits dilation and evacuation abortions (also referred to as “dismemberment abortions”) effective 5/16/2023; HB 575 (2023) effective 5/16/2023 prohibited abortions after 24 weeks but was prevented from enforcement due to a court injunction. In 2021, the legislature passed three restrictive abortion laws including a ban after 20 weeks, which were blocked by a court. The Montana Supreme Court has held that the state constitution protects the right to an abortion.</p>	<p>Penalties range from felony to misdemeanor with fine or imprisonment up to 5 years in prison. (<u>Mt. Ann. Code §50-20-112</u>).</p>	<p><b>HB 721 (2023)</b> is effective May 16, 2023, and prohibits “dismemberment abortions” except in a medical emergency. “Dismemberment abortions” means a procedure that involves: (a) the use or prescription of any instrument, medicine, drug, or other substance to intentionally terminate a pregnancy; and (b) dilation of the cervix, insertion of grasping instruments, and removal of disarticulated fetal parts from a living unborn human being. A person who violates this section is guilty of a felony punishable by a fine not to exceed \$50,000 and/or imprisonment of 5-10 years. A physician or physician assistant who knowingly violates this law commits unprofessional conduct, and the person's license to practice medicine must be suspended for a minimum of 1 year.</p>	<p><i>Planned Parenthood of Montana v. Montana (I)</i>            On May 5, 2023, the trial court issued a temporary injunction blocking enforcement of HB 575 which prevented abortions after 24 weeks and required an ultrasound be provided to a woman prior to an abortion. On May 3, 2023, HB 575 was added to this lawsuit. On February 21, 2023, the trial court issued a permanent injunction against the state's parental consent law for abortion. The Montana Supreme Court on August 9, 2022, upheld a district court decision to block three abortion restriction laws from taking effect while the case proceeds. A court injunction temporarily blocks these laws restricting the termination of a pregnancy, including a ban on abortion after 20 weeks of pregnancy. If the injunction is lifted, "The Montana Abortion Control Act" prohibits most pregnancy terminations unless they conform to the laws governing "partial-birth abortion" (Mt. Ann. Code §50-20-401) or the law prohibiting the termination of an unborn child capable of feeling pain, which is an unborn child of probable gestational age of 20 or more weeks, unless it is necessary to prevent a serious health risk to the unborn child's mother. (Mt. Ann. Code §50-20-109; Mt. Ann. Code §50-20-603).</p> <p><i>Planned Parenthood of Montana v. Montana (II)</i>            On May 16, 2023, Planned Parenthood of Montana filed a verified complaint and requested a temporary injunction to stop enforcement of HB 721.</p> <p><i>Weems v. State</i>            On May 12, 2023, the Supreme Court held that under the state constitution’s fundamental right to privacy to seek an abortion, absent a clear bona fide health risk, the state failed to present any evidence that Advanced Practice Registered Nurses (APRNs) posed a health risk when providing abortion care. Therefore, APRNs may provide abortion care. On December 14, 2022, the Supreme Court heard oral arguments in this 2018 case that challenge the state board of nursing's rule permitting advanced practice registered nurses provide abortions. A state law limits abortion providers to physicians and physician assistants.</p>

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<b>NE</b>	Legal up to 12 weeks.		NE LB 574 (2023), Nebraska’s “Preborn Child Protection Act,” became effective May 22, 2023, and outlaws abortions up to the 12 <sup>th</sup> week of gestation. Exceptions to the ban include rape, incest, and to save the life of the pregnant person; however, fetal anomalies are not an exception to the ban. Abortion is defined to not include removal of an ectopic pregnancy, removal of a dead fetus, accidental or unintentional termination, and in vitro fertilization provided the zygote is not being carried inside a pregnant person. Healthcare providers are subject to discipline and fines for violating the law.	<i>Planned Parenthood of the Heartland v. Hilgers</i> On August 18, 2023, Planned Parenthood appealed the trial court decision to the Nebraska Supreme Court. On August 11, 2023, the trial judge ruled in favor of the attorney general and upheld LB 574. On July 19, 2023, the trial judge heard arguments in the case. On May 30, 2023, Planned Parenthood filed suit to stop enforcement of LB 574 which outlaws abortion up to 12 weeks of gestation with limited exceptions and gender affirming care for minors under the age of 19. The challenge argues that the law violates the single subject rule.
<b>NV</b>	Legal up to 24 weeks. Protected by voter referendum.			
<b>NH</b>	Legal up to 24 weeks.			
<b>NJ</b>	Legal through pregnancy. Protected by state constitution and law.			

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<b>NM</b>	Legal through pregnancy.			<i>State of New Mexico v. Board of County Commissioners</i> On December 13, 2023, the New Mexico Supreme Court heard oral arguments. On August 28, 2023, the New Mexico Supreme Court accepted review of the case. On March 31, 2023, the New Mexico Supreme Court blocked local anti-abortion ordinances pending the outcome of legal proceedings. The ruling granted a request of the New Mexico Attorney General. On February 14, 2023, anti-abortion groups filed friend of the court briefs in support of the counties. On January 23, 2023, the New Mexico Attorney General filed in the state supreme court an extraordinary writ against Roosevelt County, Lea County, and the cities of Hobbs and Clovis for passing ordinances restricting access to reproductive health care. In the writ, the AG argued that the state constitution provided broader protection than the federal constitution and that the local governments' ordinances violate the state constitution's "protection of equality, liberty, privacy, and inherent rights."
<b>NY</b>	Legal up to 24 weeks. Protected by state law.			

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NC	<p>On May 16, 2023, North Carolina enacted SB 20, which prohibits abortions after the first twelve weeks of pregnancy. Exceptions to this rule include: 1) when a qualified physician finds a medical emergency, 2) after the twelfth week through the twentieth week of pregnancy in the case of rape or incest, and 3) during the first 24 weeks of pregnancy if a qualified physician determines there exists a life-limiting anomaly, defined as: diagnosis by a qualified physician of a physical or genetic condition that (i) is defined as a life-limiting disorder by current medical evidence and (ii) is uniformly diagnosable. <b>Effective date: July 1, 2023.</b></p> <p>Legal up to 20 weeks with exceptions to save life of the mother or prevent substantial irreversible physical impairment of major bodily function.</p>	<p>Class H felony: 4-25 months in prison (<u>N.C. Gen. Stat. §14.44</u>).</p>	<p>NC SB 20 precludes partial-birth abortions at any time. It provides limitations on the prescription and dispensing of abortion medications, as well as prohibiting any individual within the State, including a physician, an employee or contractor of a physician's office or clinic, or other abortion provider, or organization within the State, including a physician's office or clinic or other abortion provider, to mail, provide, or supply an abortion-inducing drug directly to a pregnant woman in violation of G.S. 90-21.83A(b)(2)a. <b>Effective date: July 1, 2023.</b></p> <p>Prescribing physician must be physically present.</p>	<p><i>Planned Parenthood South Atlantic v. Moore</i> On December 22, 2022, Planned Parenthood filed a voluntary motion to dismiss this lawsuit without prejudice. On October 17, 2022, Planned Parenthood filed a motion to stop enforcement of prohibitions against Advanced Practice Clinicians from providing medication abortions. Planned Parenthood South Atlantic, SisterSong, and healthcare providers filed this suit challenging a number of restrictions on abortion providers that limit access to abortion in North Carolina.</p> <p><i>Bryant v. Woodall</i> On August 17, 2022, a U.S. District Court judge sitting in the U.S. District Court for the Middle District of North Carolina lifted an injunction blocking North Carolina's ban on abortions after 20 weeks.</p>

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ND	Banned with limited exceptions to save the life of or prevent serious harm to the mother or for rape or incest if the pregnancy is 6 weeks or less (SB 2150). A court challenge is expected to SB 2150. A different 6-week ban, except for rape, incest, and to save the life of the mother, was enjoined from taking effect pending further litigation (N.D. Cent. Code §12.1-31-12).	Class C felony. Up to 5 years in prison and \$10k fine (N.D. Cent. Code §12.1-31-12(2)).	Prescribing physician must be physically present.	<i>Access Independent Health Svcs, Inc. d/b/a Red River Women's Clinic v. Wrigley</i> On March 16, 2023, the North Dakota Supreme Court affirmed the temporary injunction preventing enforcement of the state's anti-abortion law. In doing so, the state high court held that there was a constitutional right to abortion to preserve the life and health of the mother. On November 2, 2022, the North Dakota Supreme Court scheduled oral arguments on temporary injunction for November 29, 2022. On October 31, 2022, a North Dakota trial court judge reaffirmed his order granting a temporary injunction stopping enforcement of the state's anti-abortion law by finding that opponents to the law had a substantial probability of success. The temporary injunction will remain in place until the case is decided on the merits. On October 14, 2022, the North Dakota Supreme Court gave the trial judge until October 31, 2022 to provide legal justification for his decision preventing enforcement of the state's anti-abortion law. On October 11, 2022, the North Dakota Supreme Court ordered a trial court judge to review its decision denying the state attorney general's request to lift a preliminary injunction preventing enforcement of the state's abortion ban. On September 23, 2022, a trial court judge denied the state attorney general's request to lift the temporary injunction on the state's anti-abortion law. On August 25, 2022, a state trial court judge granted a temporary injunction blocking the state's anti-abortion law (N.D. Cent. Code §12.1-31-12) as part of a lawsuit brought by the state's only abortion provider against the state attorney general. The suit argued that the state's anti-abortion law was a violation of the state constitution's right to enjoy life and liberty.
ND (cont.)				<i>MKB Mgmt Corp, d/b/a Red River Women's Clinic v. Burdick</i> On November 18, 2022, a U.S. District Court Judge denied a motion by the state Attorney General to reopen this 2014 case following the U.S. Supreme Court's decision in <i>Dobbs</i> . In 2014, the judge had previously found that the six-week abortion ban was invalid and unconstitutional.



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OH	On November 7, 2023, Ohio voters amended the state constitution and created a constitutional right to reproductive freedom in the state, which protects decisions on contraception, fertility treatment, continuing a pregnancy, miscarriage care and abortion up to the point of fetal viability. This likely invalidates the state's 6-week ban except to protect life of the mother or prevent substantial and irreversible impairment of major bodily function ( <a href="#">Ohio Rev. Code §2919.195</a> ).	Fifth degree felony: 6-12 months in prison and up to a \$2,500 fine; civil action allowed by mother ( <a href="#">Ohio Rev. Code §2919.199</a> ); state medical board may issue fines up to \$20k ( <a href="#">Ohio Rev. Code §2929.1912</a> ).	The rules instruct physicians to make “a bona fide effort to detect a fetal heartbeat” by performing a transabdominal pelvic ultrasound “in a manner consistent with standard medical practice.” No limits on contraceptives. ( <a href="#">Ohio Rev. Code §2919.197</a> ).	<p><i>Giroux v. Committee Representing the Petitioners Proposing an Amendment to the Ohio Constitution</i>            On August 11, 2023, the Ohio Supreme Court unanimously denied the request, permitting the issue to appear on the November 7, 2023 ballot. On July 29, 2023, plaintiffs, two state representatives, asked the court to bar the amendment titled “The Right to Reproductive Freedom with Protections for Health and Safety” from the ballot because it doesn’t specifically list state laws that would be changed if it is passed.</p> <p><i>Preterm-Cleveland v. Yost (II)</i>            On May 6, 2024, Attorney General Dave Yost filed his opposition to the lawsuit. On March 29, 2024, Planned Parenthood Federation of America and the ACLU filed suit in Franklin County to stop the 24-hour waiting period for abortions following receiving state mandated in-person information since the law violates the new state constitutional amendment protecting reproductive freedom. The lawsuit was filed on behalf of Preterm-Cleveland, Planned Parenthood Southwest Ohio Region, Planned Parenthood of Greater Ohio, Women’s Med Group Professional Corporation, Northeast Ohio Women’s Center, and Dr. Catherine Romanos.</p>

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OH Cont'd. 2				<p><i>Preterm-Cleveland v. Yost</i>            On December 15, 2023, the Ohio Supreme Court dismissed on its own motion the appeal without an opinion in a 5-2 motion due to a "change in the law." On November 16, 2023, the Ohio Supreme Court requested the parties to brief by December 7 how the voters amendment to the state constitution protecting reproductive freedom affects the case. The Ohio Supreme Court heard oral arguments for September 27, 2023. On May 8, 2023, 18 states attorney general filed an amicus brief in support of Ohio's six-week abortion ban. On or about May 2, 2023, the state attorney general filed a brief to the state supreme court arguing that the court should uphold the six-week abortion ban. On February 2, 2023, the ACLU on behalf of the plaintiffs filed opposition to the state attorney general's request for immediate appeal to the state supreme court. On January 3, 2023, the state attorney general appealed the trial court's temporary injunction on the state's six-week abortion ban to the state supreme court. On December 16, 2022, the intermediate state court of appeals declined to consider the Ohio attorney general's appeal to overturn an injunction on the state's six-week abortion ban. On October 12, 2022, the trial court issued an indefinite temporary injunction preventing enforcement of the six-week abortion ban until the lawsuit is resolved. The state filed an immediate notice of appeal of the injunction. On September 14, 2022, the trial court granted a 14-day temporary injunction preventing S.B. 23 from being enforced. This injunction ends September 28, 2022, without an extension. This was in response to a lawsuit filed by the ACLU of Ohio, Planned Parenthood Federation of America, and the law firm WilmerHale in a trial court in Hamilton County seeking to block the state's ban on abortion starting as early as six weeks into pregnancy, and to restore and further protect reproductive rights secured by the Ohio Constitution. Plaintiffs are asking the court to stop enforcement of S.B. 23 and to declare the ban unconstitutional under the Ohio Constitution. The prior case, filed June 24, 2022, in the Ohio Supreme Court, was withdrawn in favor of seeking a remedy in the trial court.</p>
OH Cont'd. 3				<p><i>State ex rel. DeBlase v. Ohio Ballot Board</i>            On June 1, 2023, the Ohio Supreme Court unanimously held that the constitutional amendment titled "The Right to Reproductive Freedom with Protections for Health and Safety" which would protect an individual's right to make and carry out the individual's own reproductive decisions, including the right to an abortion did not violate single subject rule and was constitutional. This permits the amendment to be placed on the ballot.</p>

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<b>OK</b>	<p>See notes in Column E. With the May 31 Supreme Court decision overturning both SB 1503, and HB 4327, the state Attorney General announced that his interpretation of the state's "trigger law" means that the current law in Oklahoma regarding the provision of abortion services reverts to a circa 1910 criminal statute in which abortion services are prohibited except when necessary to save the life of the mother. Litigation regarding this matter is anticipated.</p> <p>Banned except in cases of rape or incest or to save life of the mother (<u>O.K. Stat. tit. 63, §1-745.32</u>). Does not apply to ectopic pregnancies.</p>	<p>Enforced via private civil actions; minimum damages of \$10,000 per occurrence. (<u>O.K. Stat. tit. 63, §1-745.35</u>).</p>	<p>Prescribing physician must be physically present.</p> <p>Does not apply to any kind of contraception (O.K. Stat. tit. 63, §1-745.31(1)).</p>	<p><i>Oklahoma Call for Reproductive Freedom v. Drummond (II)</i>            On May 31, 2023, the Oklahoma Supreme Court in a 6-3 opinion declared SB 1503 and HB 4327 unconstitutional under the state constitution. SB 1503 prohibits abortions after detection of a fetal heartbeat in case of a medical emergency. HB 4327 is a total ban on all abortions, except to save the life of the mother in a medical emergency, rape, or incest. Under the prior case, <i>Oklahoma Call for Reproductive Freedom v. Drummond (I)</i>, the court held that both laws were unconstitutional under stare decisis.</p> <p><i>Oklahoma Call for Reproductive Freedom v. Drummond (I)</i>            On March 21, 2023, the Oklahoma Supreme Court held there was a limited right to terminate a pregnancy under Article II, section 7 of the Oklahoma Constitution. The court wrote: "We hold that the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life. We would define this inherent right to mean: a woman has an inherent right to choose to terminate her pregnancy if at any point in the pregnancy, the woman's physician has determined to a reasonable degree of medical certainty or probability that the continuation of the pregnancy will endanger the woman's life due to the pregnancy itself or due to a medical condition that the woman is either currently suffering from or likely to suffer from during the pregnancy. Absolute certainty is not required; however, mere possibility or speculation is insufficient."</p>
<b>OR</b>	<p>Legal through pregnancy. Protected by state law.</p>			
<b>PA</b>	<p>Legal up to 24 weeks.</p>			
<b>RI</b>	<p>Legal through viability. Protected by state law.</p>			

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SC	<p>On May 16, 2023, South Carolina enacted a heartbeat abortion bill. This legislation requires providers to check for a fetal heartbeat prior to performing abortion services and if a heartbeat exists, prohibits an abortion with some exceptions. The exceptions include: 1) medical emergencies as defined; 2) risk of death or serious risk of a substantial and irreversible physical impairment of a major bodily function, the legislation provides an enumerated list of conditions that would meet this requirement; 3) in cases of rape or incest if the fetus is not more than twelve weeks of gestation; or 4) detection of a fatal fetal anomaly.</p>	<p>Felony punishable by \$10,000 fine and/or imprisonment for up to 2 years (<u>S.C. Code Ann. §44-41-650(B)</u>).</p> <p>Allows civil suits by the unborn child's mother (<u>S.C. Code Ann. §44-41-740</u>).</p>	<p>There is a seven-year records retention requirement after the provision of abortion services. This bill has been stayed pending a ruling on constitutionality by the state Supreme Court.</p> <p>Prescribing physician must be physically present.</p>	<p><i>Planned Parenthood South Atlantic v. State of South Carolina (III)</i>            On February 6, 2024, a patient, her doctor, and Planned Parenthood filed this challenge to South Carolina’s Senate Bill 474, to answer the narrow question: at what point in pregnancy does the act ban abortion. SB 474 bans abortion after detection of a “fetal heartbeat” which is “cardiac activity, or the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac.” A violation of the Act carries felony criminal penalties, license revocation for a physician or other professionally licensed person, and civil liability, so clarity is of utmost importance.</p> <p><i>Planned Parenthood South Atlantic v. State of South Carolina (II)</i>            On August 29, 2023, the South Carolina Supreme Court denied a request for rehearing. On August 23, 2023, the South Carolina Supreme Court in a 4-1 vote upheld the constitutionality of 2023 Fetal Heartbeat and Protection from Abortion Act which bans abortions after detection of a fetal heartbeat. However, the majority did not define the meaning of a fetal heartbeat, leaving that question open. On June 27, 2023, the South Carolina Supreme Court heard oral arguments in the case. On June 6, 2023, the South Carolina Supreme Court granted emergency review. On May 26, 2023, a trial court judge granted a temporary injunction stopping enforcement of SB 474. On May 25, 2023, Planned Parenthood filed suit to stop enforcement of SB 474 which bans abortion after detection of a fetal heartbeat which occurs as early as six weeks of pregnancy.</p>
SC (Contd.)	<p>UPDATE: On August 29, 2023, the South Carolina Supreme Court upheld the constitutionality of the Fetal Heartbeat and Protection from Abortion Act. Under this act, and with some exceptions, an abortion may not be performed after the detection of a fetal heartbeat. A fetal heartbeat is defined in the legislation as "cardiac activity, or the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac."</p>			<p><i>Planned Parenthood South Atlantic v. State of South Carolina (I)</i>            On February 8, 2023, the state supreme court denied the state attorney general's request for rehearing. On January 30, 2023, the state attorney general filed a motion for the state supreme court to reconsider its decision holding that the Fetal Heartbeat and Protection from Abortion Act violates the state's constitution. On January 4, 2023, the South Carolina Supreme Court held that the Fetal Heartbeat and Protection from Abortion Act ("the Act") violates a woman's constitutional right to privacy, as guaranteed in article I, section 10 of the South Carolina Constitution. They held that the decision to terminate a pregnancy rests upon the utmost personal and private considerations imaginable, and implicates a woman's right to privacy. While this right is not absolute, and must be balanced against the state's interest in protecting unborn life, this Act, which severely limits—and in many instances completely forecloses—abortion, is an unreasonable restriction upon a woman's right to privacy and is therefore unconstitutional. The South Carolina Supreme Court heard oral arguments on October 19, 2022. The South Carolina Supreme Court on August 17, 2022 blocked the state’s ban on abortion after about six weeks of pregnancy (SB 1), granting providers’ emergency motion for a temporary injunction while litigation proceeds.</p>

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SD	Banned except to save life of the mother (S.D. Codified Laws §22-17- 5.1).	Class 6 felony punishable by up to 2 years in prison and \$4,000 fine (S.D. Codified Laws §22-17-5.1).	Prescribing physician must be physically present.	
TN	Banned except to save the life of the mother or prevent substantial and irreversible impairment of major bodily function and became effective July 24, 2022 (Tenn. Code Ann. §39-15-213).	Class C felony up to 15 years in prison and up to \$10,000 fine (Tenn. Code Ann. §39-15-213(b)).		<p><i>Blackmon v. State of Tennessee</i>            On April 4, 2024, the case was argued before a three-judge panel of the Tennessee's Twelfth Judicial District Court in Nashville. On January 8, 2024, four more women joined the case as plaintiffs. On September 12, 2023, the Center for Reproductive Health filed this challenge on behalf of three women and two physicians to the limited scope of the “emergent medical condition” exception in Tennessee’s anti-abortion ban. They seek clarification to allow physicians to provide life-saving care without waiting for patients to be near death. The lawsuit also seeks to clarify that the law’s exception permits abortion for cases of fatal fetal diagnoses.</p>
TX	Banned except to save the life of the mother or prevent substantial impairment of major bodily function (Tex. Health & Safety Code §170A). In addition, a pre-Roe ban exists in the state. (Tex. Rev. Civ. Stats. Ann. Art. 4512.1).	<p>1st degree felony (imprisonment for 5-99 years) and civil fine of not less than \$100k (Tex. Health &amp; Safety Code §170A.004 and §170A.005).</p> <p>Private civil right of action allows citizens to file civil lawsuits against those aiding or abetting abortion.</p>		<p><i>Whole Woman’s Health v. Paxton</i>            A Harris County District Court issued a limited injunction that called into question the viability of the pre-Roe statutes and the Texas attorney general filed an emergency motion with the Texas Supreme Court. The Texas Supreme Court granted in part the motion in July, which stayed the temporary restraining order, allowing the pre-Roe law to go into effect, but also letting the court of appeals and district court proceedings continue. The court sought briefing on a threshold jurisdictional issue, meaning a substantive determination could be delayed.</p> <p><i>Cox et al. v. State of Texas</i>            On December 11, 2023, the Texas Supreme Court overturned a temporary restraining order issued by a state trial court that permitted a patient to have an abortion. The case began the week before when a patient sought an abortion due to a threat to her life and ability to conceive in the future. The patient was 20 weeks pregnant with a fetus diagnosed with full Trisomy 18, making it likely her pregnancy would end in stillbirth or, at best, a baby who would survive only a few days. The patient made repeated visits to the emergency department due to pregnancy complications. The trial court issued a temporary restraining order which was stayed by the state supreme court.</p>

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TX (cont.)				<p><i>Gomez v. Braid</i> On December 8, 2022, a Texas trial court dismissed the first lawsuit brought by an unharmed third party against a physician for allegedly violating S.B. 8, a law that permits any third party to sue healthcare providers and those aiding and abetting an abortion beyond the law's six-week ban. The trial court ruled that the plaintiff did not have legal standing to bring the suit, because the Texas Constitution requires suits to be brought by an injured party, not an unharmed third party. The plaintiff publicly announced that he will appeal the dismissal.</p> <p><i>Zurawski v. State of Texas</i> On November 28, 2023, the Texas Supreme Court heard oral arguments. On August 4, 2023, the trial judge ruled that S.B. 8 was too restrictive regarding pregnancy complications and issued a temporary injunction on the law. On July 19-20, 2023, the trial court heard testimony from the plaintiffs and arguments from attorneys on the lawsuit which seeks to clarify on S.B. 8. On March 6, 2023, five women filed suit to clarify the exceptions to S.B. 8, arguing that medical providers, fearing liability, deny the women medically necessary abortions until their pregnancy complications threaten their lives. S.B. 8 permits private individuals to bring lawsuits against providers or individuals who help pregnant people obtain abortions as early as six weeks into a pregnancy, or when a fetal heartbeat is detected.</p> <p><i>Silva v. Noyola</i> On or about May 2, 2023, defendants filed papers accusing the plaintiff of using this lawsuit as an extension of abusive behavior to his ex-wife. On March 10, 2023, plaintiff filed a wrongful death lawsuit under S.B. 8 alleging that his ex-wife and two other women conspired to and participated in a medication abortion of plaintiff's unborn child. Plaintiff complaint seeks \$1 million in compensatory and punitive damages and an injunction prohibiting the defendants from distributing abortion pills.</p>

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UT	Legal up to 18 weeks. The state's 2020 legislation to ban abortion except for rape, incest, fatal fetal anomaly, severe fetal brain abnormality, and to protect life of the mother or prevent substantial, irreversible impairment to major bodily function is enjoined and being appealed. ( <u>Utah Code §76-7-302</u> ).	Class A misdemeanor: Up to 364 days in jail and up to \$2,500 fine ( <u>Utah Code §76-7-314(4)</u> ).	The state's prohibition on abortion clinics and requirement that abortions be performed in a hospital (HB 467) is temporarily not enforceable due to a trial court's preliminary injunction. (Utah Code §26-21-6.5).	<i>Planned Parenthood Assoc. of Utah v. Utah</i> On August 8, 2023, the Utah Supreme Court heard oral arguments in the case. On May 3, 2023, the trial court issued a preliminary injunction on enforcement of HB 467. On April 28, 2023, the trial court heard oral arguments on a challenge to HB 467. On April 3, 2023, plaintiff Planned Parenthood filed a motion to expand its lawsuit to include a challenge to HB 467, which was recently enacted, to require abortions be only provided in hospitals. On October 14, 2022, the Utah Supreme Court permitted the state trial court's preliminary injunction preventing enforcement of the state's anti-abortion law to remain in effect pending appeal. This case challenges SB 174 that criminalizes most abortions with three exceptions. On July 11, 2022, a state trial court judge issued a preliminary injunction preventing the law from going into effect until the state constitutional challenge is litigated. On August 11, 2022, the Utah Attorney General requested permission from the Utah Supreme Court to file a challenge to the preliminary injunction.
VT	Legal through pregnancy. Protected by state law. Based on the November 8, 2022 unofficial election results, voters enacted Proposal 5 that established a right to reproductive autonomy. Under 17 V.S.A. Chapter 32, § 1848, Proposal 5 is effective immediately upon certification of the election on the second Tuesday of December after the election, which is December 13, 2022.			
VA	Legal until third trimester.			
WA	Legal through viability. Protected by state law.			

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WV	<p>Banned with exceptions for: 1) nonviable embryo or fetus; 2) ectopic pregnancy; 3) medical emergency; 4) adults within first eight weeks of pregnancy resulting from reported sexual assault or incest; 5) minor within first fourteen weeks of pregnancy resulting from reported sexual assault or incest.</p> <p>This new law repeals the provisions of the pre-Roe v. Wade statutes regarding abortion. However, the legislation also states that should the new law be found unconstitutional, then the pre-Roe statutes will be automatically revived.</p>	<p>Violation of this statute is deemed practice of medicine outside a physician's scope of practice and in breach of the standard of care owed patients, subjecting medical providers to medical board discipline up to and including loss of license.</p>	<p>An allowed procedure must be performed in a licensed hospital by a licensed medical professional who has West Virginia hospital privileges.</p> <p>Prescription or dispensing of abortifacients via telemedicine is prohibited.</p> <p>Under the new law, the following are not included within the definition of abortion:</p>	<p><i>Women's Health Center of West Virginia v. Miller</i>            On July 18, 2022, the Circuit Court for Kanawha County granted the plaintiffs' motion for a preliminary injunction, preventing enforcement of the state's law banning abortions and allowing abortion care to resume in West Virginia. On July 19, 2022, the Attorney General of West Virginia sought an emergency stay of the preliminary injunction in the Supreme Court of Appeals of West Virginia, which is pending. On July 21, 2022, the Attorney General filed his appeal of the preliminary injunction. On August 12, 2022, the Supreme Court of Appeals issued an order for supplemental briefing. Briefing on the appeal is ongoing.</p> <p><i>Women's Health Center of West Virginia v. Sheth</i>            On February 1, 2023, West Virginia abortion providers and advocates filed a lawsuit in U.S. District Court for the Southern District of West Virginia challenging multiple provisions of HB 302, the state's near-total abortion ban passed last year, as irrational and unconstitutional. Plaintiffs in the case—Women's Health Center of West Virginia and a local abortion provider—are asking the district court to issue an injunction blocking the entire ban while providers make their case in court. Under HB 302, if any portion of the law is determined to be unconstitutional, the entire law must be struck down.</p>



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WV (Contd.)		Violation of the new statute is a felony. Civil and criminal penalties include up to \$10,000 in fines, up to 10 years in prison, and if the pregnant woman dies during the procedure, the medical professional may be subject to prosecution for second degree murder.	1. A miscarriage; 2. An intrauterine fetal demise or stillbirth; 3. The use of existing established cell lines derived from aborted human embryos or fetuses; 4. Medical treatment provided to a patient by a licensed medical professional that results in the accidental or unintentional injury or death of an embryo or a fetus; 5. In vitro fertilization; 6. Human fetal tissue research, when performed in accordance with Sections 498A and 498B of the PHS Act (42 U.S.C. 289g-1 and 289g-2) and 45 C.F.R. 46.204 and 46.206; 7. The prescription, sale, transfer, or use of contraceptive devices, instruments, medicines, or drugs.	
WI	Technically legal through 20 weeks; however, a pre-Roe ban with an exception to save the life of the mother is in effect and being litigated ( <u>Wis. Stat. §940.04</u> ). The AG and Gov say they will not enforce and have filed a lawsuit to have the 1849 law voided.	Pre-Roe ban imposes Class H felony (\$10k fine and up to 6 years in prison); Class E felony for later term abortions (up to 15 years in prison and up to \$15k fine) ( <u>Wis. Stat. §940.04(1) and 940.04(2)</u> ).	Prescribing physician must be physically present.	<i>Kaul v. Urmanski</i> On February 22, 2024, both Planned Parenthood and Attorney General Josh Kaul requested in separate motions and for different reasons that the state supreme court hear the case directly. On December 20, 2023, Sheboygan County District Attorney Urmanski appealed the ruling of the trial judge. On December 5, 2023, the trial judge ruled that an 1849 law does not apply to consensual abortions. On August 8, 2023, the attorney general filed a request for an expedited review by the Wisconsin Supreme Court. On July 7, 2023, the trial judge ruled that the lawsuit challenging the abortion ban may continue. On May 4, 2023, the trial court heard oral arguments. On November 4, 2022, three physicians who provide pregnancy termination care filed to intervene in this suit. The state Attorney General, Department of Safety and Professional Services, and Medical Examining Board filed suit against the President of the State Senate and Speaker of the State Assembly in Dane County state court to stop enforcement of the state’s anti-abortion law (Wis. Stat. §940.04). On September 30, 2022, the trial judge agreed to dismiss the suit against the legislative defendants and substitute three county district attorneys who could enforce the abortion law. The district attorneys have until November 7, 2022, to respond to the lawsuit.

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WY	<p>Legal through viability. HB 152 (2023), which took effect on March 17, 2023, was prevented from being enforced on March 22, 2023, following a court’s temporary restraining order. The law prohibited all abortions, except in the case of an ectopic pregnancy, cancer treatment to the mother, to save the life of the mother, accidental or unintentional injury during the provision of medical treatment, incest, or the substantial likelihood that the unborn has a lethal fetal anomaly. (Wyo. Stat. Ann. §35-6-120 et sec.).</p> <p>Beginning July 1, 2023, SB 109 (2023) makes it unlawful to prescribe, dispense, distribute, sell, or use any drug for the purpose of procuring or performing an abortion on any person, except to save the life of the mother, incest, or treatment of a miscarriage. (Wyo. Stat. Ann. §35-6-102).</p>	<p>For chemical abortions: Misdemeanor punishable by imprisonment for not more than six (6) months, a fine not to exceed nine thousand dollars (\$9,000.00), or both.</p> <p>For medical abortion: Up to 14 years in prison (Wyo. Stat. Ann. §35-6-110).</p>		<p><i>Johnson v. Wyoming (II)</i> On December 12, 2023, the Wyoming Supreme Court heard oral arguments regarding whether the intervenors may enter the case. On August 4, 2023, two legislators and Right to Life Wyoming filed to intervene in the case and to appeal the matter. On March 22, 2023, the trial court issued a temporary restraining order against HB 152, which was enacted and took immediate effect on March 17, 2023. HB 152 prohibited all abortions, except in the case of an ectopic pregnancy, cancer treatment to the mother, pre-viability separation to save the life of the mother, accidental or unintentional injury during the provision of medical treatment, incest, or the substantial likelihood that the unborn has a lethal fetal anomaly. This is the second case filed by the same parties.</p> <p><i>Johnson v. Wyoming (I)</i> On December 20, 2022, the Wyoming Supreme Court declined the request to decide the legality of the state’s anti-abortion laws at this stage in the litigation, writing: "This Court does not believe it can answer all 12 certified questions on the limited factual record provided." This means that the case will proceed through trial in the lower courts. On December 9, 2022, the Wyoming Supreme Court received 12 certified questions from the trial court requesting that the state high court determine the constitutionality of the state's abortion restrictions. On October 7, 2022, Right to Life Wyoming and two state legislators filed a motion to become parties to the lawsuit brought by medical providers against the state to stop enforcement of the state's anti-abortion law. On August 10, 2022, a Teton County trial court judge issued a preliminary injunction preventing enforcement of state statute 35-6-102, which makes abortions illegal with exceptions. The trial court found that the state law may violate the state constitution's rights to healthcare access and equal protection.</p>
WY (cont.)	<p>A prior law banning abortions, except for rape, incest, and to save the life of the mother or prevent irreversible physical impairment to major bodily function was previously blocked pending litigation. (Wyo. Stat. Ann. §35-6-102).</p>			

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<p><b>US FEDERAL</b></p>	<p>FDA MIFEPRISTONE On January 3, 2023, the FDA finalized its rules to allow brick and mortar retail pharmacies to dispense mifepristone when prescribed by a healthcare provider that meets certain qualifications and is certified under the Mifepristone REMS Program. Prior to this change, mifepristone only could be dispensed by specially certified healthcare providers or clinics and a handful of mail order pharmacies. The new rule allows access to the pills only in states that already allow their use; however, it is expected patients will cross state lines to access the drug.</p>	<p>FDA FAQ <a href="https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/information-about-mifepristone-medical-termination-pregnancy-through-ten-weeks-gestation">https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/information-about-mifepristone-medical-termination-pregnancy-through-ten-weeks-gestation</a></p>	<p>Mifepristone may only be dispensed by or under the supervision of a certified prescriber, or by a certified pharmacy on a prescription issued by a certified prescriber.</p> <p>In order to become certified to prescribe mifepristone, healthcare providers must complete a Prescriber Agreement Form. A Patient Agreement Form must be reviewed with and signed by the patient and the healthcare provider, and the risks of the mifepristone treatment regimen must be fully explained to the patient before mifepristone is prescribed. The patient must be provided with a copy of the Patient Agreement Form and mifepristone Medication Guide (FDA-approved information for patients).</p>	<p><i>Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration</i> Oral arguments took place on March 26, 2024. On February 20, 2024, the U.S. Supreme Court denied Missouri, Kansas, and Idaho’s motions to join appeal on the Fifth Circuit ruling. On December 13, 2023, the U.S. Supreme Court accepted review of the case. On November 16, 2023, 109 Republican lawmakers filed an amicus brief requesting the U.S. Supreme Court to not review the Fifth Circuit decision that would curb access to mifepristone. On September 8, 2023, the U.S. filed an appeal to the decision of the U.S. Court of Appeals for the Fifth Circuit in the U.S. Supreme Court. On August 16, 2023, the U.S. Court of Appeals for the Fifth Circuit upheld restrictions on mifepristone but did not pull the drug off the market. Due to the April 23, 2023 order of the U.S. Supreme Court, this decision has no effect until an appeal in the U.S. Supreme Court is completed. On May 17, 2023, the U.S. Court of Appeals for the Fifth Circuit heard oral arguments in the case. On April 21, 2023, the U.S. Supreme Court placed a stay on the April 7, 2023 order of the U.S. District Court for the Northern District of Texas until an appeal is completed in the U.S. Circuit Court of Appeals for the Fifth Circuit and a decision is made by the U.S. Supreme Court. This effectively keeps mifepristone on the market until all appeals are resolved up to and including an appeal to the U.S. Supreme Court. On April 14, 2023, the U.S. Court of Appeals for the Fifth Circuit upheld in part and overruled in part the ruling of the trial court, but stayed its decision pending an appeal to the U.S. Supreme Court. On April 10, 2023, the U.S. filed an emergency appeal with the U.S. Court of Appeals for the Fifth Circuit. On April 7, 2023, the trial court judge blocked the effective date of the U.S. Food and Drug Administration’s approval of the abortion drug mifepristone. The court ruled that the FDA ignored data regarding the medication’s safety. This ruling would effectively stop the availability of mifepristone. However, the court stayed the applicability of its ruling for seven (7) days for appeal to the U.S. Court of Appeals for the Fifth Circuit. On February 10, 2023, 45 state attorney generals (23 Republican attorney generals supporting the plaintiff and 22 Democratic attorney generals supporting the FDA) filed briefs in this case. On November 18, 2022, the Alliance for Defending Freedom filed a lawsuit in U.S. District Court for the Northern District of Texas challenging the use and safety of FDA approved drugs for chemical abortions (mifepristone, a.k.a. RU-486 and Mifeprex). Plaintiffs seek an injunction to prevent use of the FDA approved chemical abortion drugs.</p>

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<b>US FEDERAL (cont. 1)</b>			<p>To become certified to dispense mifepristone, pharmacies must complete a Pharmacy Agreement Form. Certified pharmacies must be able to ship mifepristone using a shipping service that provides tracking information and ensure mifepristone is dispensed to the patient in a timely manner.</p>	<p><i>Washington et al. v. U.S. Food and Drug Administration</i>            On April 10, 2023, the U.S. filed a motion asking the federal judge in this case to clarify how it should comply with the preliminary injunction given the conflicting ruling in <i>Alliance for Hippocratic Medicine</i> made on April 7, 2023, in the Northern District of Texas. On April 7, 2023, a federal trial judge for the Eastern District of Washington issued a preliminary injunction preventing the U.S. Food and Drug Administration from changing the status quo availability of the medication mifepristone in the plaintiff states and District of Columbia. The plaintiffs are Washington, Oregon, Arizona, Colorado, Connecticut, Delaware, Illinois, Nevada, New Mexico, Rhode Island, Vermont, Hawaii, Maine, Maryland, Minnesota, the Commonwealth of Pennsylvania, the state attorney general of Michigan, and the District of Columbia. On March 23, 2023, plaintiffs moved for a preliminary injunction “affirming FDA’s original conclusion that mifepristone is safe and effective, preserving the status quo by enjoining any actions by Defendants to remove this critical drug from the market, and enjoining the unnecessary and burdensome 2023 REMS restrictions.” REMS is an acronym for Risk Evaluation and Mitigation Strategy. The plaintiffs assert that the 2023 REMS restrictions on mifepristone created the following harms: (1) financial costs on plaintiffs that cannot be compensated, (2) burdens on plaintiffs’ institutions and providers who provide abortion care, and (3) harm to the health and well-being of patients and providers “by aggravating the ongoing crisis of reduced access to abortion care.”</p>

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<b>US FEDERAL (cont. 2)</b>	<p><u>EMTALA</u> On July 11, 2022, the HHS issued a guidance letter to healthcare providers instructing the federal Emergency Medical Treatment and Active Labor Act (EMTALA) statute protects their clinical judgment and the action taken to provide stabilizing medical treatment to pregnant patients regardless of state restrictions. The guidance letter reiterates the determination of an emergency medical condition is the responsibility of the examining physician or qualified medical professional, irrespective of any state laws or mandates that apply to specific procedures. This guidance has been challenged in court. See Key Court Challenge Column and information below.</p>		<p><u>HIPAA</u> On Tuesday, June 28, 2022, the HHS issued guidance on healthcare providers' obligations to disclose medical information under the Health Insurance Portability and Accountability Act (HIPAA) after the U.S. Supreme Court's <i>Dobbs v. Jackson Women's Health Center Organization</i> decision. Specifically, the guidance assists providers practicing in states that have laws requiring the disclosure of information to law enforcement.</p>	<p><i>Planned Parenthood Northwest v. Labrador</i> On May 7, 2024, the U.S. Court of Appeals for the Ninth Circuit heard oral arguments on challenges to the preliminary injunction blocking enforcement of the law. On July 31, 2023, a federal judge for the U.S. District Court for Idaho issued a preliminary injunction preventing the state attorney general from prosecuting medical providers who refer patients to get abortions out of state, ruling Idaho's criminal abortion statute, Idaho Code §18-622, likely violated doctors' First Amendment rights. On April 5, 2023, medical providers sued to stop enforcement of Idaho Code §18-622, following an interpretation from the state attorney general that prevents providers from referring patients across state lines to receive an abortion.</p> <p><i>Moyle v. U.S. (consolidated with U.S. v. Idaho)</i> On April 24, 2024, the U.S. Supreme Court heard oral arguments. On January 5, 2024, the U.S. Supreme Court granted review, but set aside the injunction issued by the trial court and upheld by the Ninth Circuit. On November 27, 2023, the State of Idaho appealed the decision of the Ninth Circuit to the U.S. Supreme Court. On November 14, 2023, a split decision of the U.S. Court of Appeals for the Ninth Circuit, sitting en banc, reinstated the trial court's injunction preventing enforcement of Idaho's total ban. The entire Ninth Circuit agreed to rehear the case on October 10, 2023—previously only a three-judge panel heard the case. On September 28, 2023, a three-judge panel of U.S. Court of Appeals for the Ninth Circuit lifted the trial court's injunction that partially blocked enforcement of the state's abortion ban. On May 4, 2023, the trial court denied the state's request to reconsider an earlier decision that partially blocked the ban to the extent it conflicts with EMTALA. On or about March 14, 2023, the state legislature filed an appeal to the U.S. Court of Appeals for the Ninth Circuit challenging the trial court's ruling that they could not intervene in the lawsuit. On August 2, 2022, an Idaho federal judge issued a preliminary injunction preventing enforcement of a state law that banned terminating pregnancies in most circumstances because such law conflicted with EMTALA.</p>

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<b>US FEDERAL (cont. 3)</b>	<p>Issued October 3, 2022, and pursuant to the EMTALA related preliminary injunction in <i>Texas v. Becerra</i>, No. 5:22-CV-185-H (N.D. Tex.), HHS may not enforce the following interpretations contained in the July 11, 2022 CMS guidance (and the corresponding letter sent the same day by HHS Secretary Becerra): (1) HHS may not enforce the Guidance and Letter’s interpretation that Texas abortion laws are preempted by EMTALA; and (2) HHS may not enforce the Guidance and Letter’s interpretation of EMTALA—both as to when an abortion is required and EMTALA’s effect on state laws governing abortion—within the State of Texas or against the members of the American Association of Pro Life Obstetricians and Gynecologists (AAPLOG) and the Christian Medical and Dental Association (CMDA).</p>		<p>US Office of Civil Rights – HIPAA Privacy Rule to Support Reproductive Health Care Privacy. On April 22, 2024, the Office for Civil Rights announced its final rule to strengthen privacy protections for medical records and health information for those seeking lawful reproductive health care and those providing it. The rule does the following:</p> <ul style="list-style-type: none"> <li>•Prohibits the use or disclosure of PHI when it is sought to investigate or impose liability on individuals, healthcare providers, or others who seek, obtain, provide, or facilitate reproductive health care that is lawful under the circumstances in which such health care is provided, or to identify persons for such activities.</li> <li>•Requires a regulated healthcare provider, health plan, clearinghouse, or their business associates, to obtain a signed attestation that certain requests for PHI potentially related to reproductive health care are not for these prohibited purposes.</li> <li>•Requires regulated healthcare providers, health plans, and clearinghouses to modify their Notice of Privacy Practices to support reproductive health care privacy.</li> </ul> <p>View the Final Rule on the Federal Register. View The Final Rule Fact Sheet here.</p>	<p><i>Texas v. Becerra</i> On January 2, 2024, the U.S. Court of Appeals for the Fifth Circuit ruled that EMTALA does not expand the ability of physicians to provide abortions in emergency situations that would be in violation of the state law. On May 8, 2023, 23 state attorney generals filed an amicus brief in support of the U.S. and EMTALA and opposing Texas's anti-abortion law. A Texas federal judge issued a preliminary injunction on August 23, 2022, preventing the federal government from using EMTALA to stop enforcement of Texas’s laws prohibiting most pregnancy termination procedures.</p> <p><i>West Alabama Women’s Center v. Marshall / Yellowhammer Fund v. Marshall</i> On May 6, 2024, the U.S. District Court for the Middle District of Alabama issued a ruling allowing Alabama healthcare providers to proceed with a lawsuit to prevent state Attorney General Steve Marshall and local district attorneys from prosecuting individuals who assist state residents from seeking to travel across state lines to access legal abortion care. A group of healthcare providers filed a lawsuit last year after Attorney General Marshall threatened felony charges for supporting patients in accessing legal out-of-state care.</p> <p><i>Fund Texas Choice v. Paxton</i> On March 27, 2023, five state prosecutors argued that they should be dismissed as class representatives from this federal lawsuit attempting to block the state's anti-abortion laws. Plaintiffs in this action are Texas-based non-profit abortion funds and practical support networks, and an individual doctor. They seek a declaratory judgment and injunction against the application of Texas's anti-abortion laws, the state's “Pre-Roe Statutes” and “Trigger Ban” (including SB 8 civil liability provisions permitting private citizens to sue physicians in Texas for performing post-cardiac activity abortions, and to sue any person who may have “aided or assisted” in an abortion) based on plaintiffs’ First Amendment rights and their right to travel interstate.</p>

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<b>US FEDERAL (cont. 4)</b>				<p><i>Women's Health Center of West Virginia v. Sheth</i>            On February 1, 2023, West Virginia abortion providers and advocates filed a lawsuit in U.S. District Court for the Southern District of West Virginia challenging multiple provisions of HB 302, the state’s near-total abortion ban passed last year, as irrational and unconstitutional. Plaintiffs in the case—Women’s Health Center of West Virginia and a local abortion provider—are asking the district court to issue an injunction blocking the entire ban while providers make their case in court. Under HB 302, if any portion of the law is determined to be unconstitutional, the entire law must be struck down.</p> <p><i>Bernard v. Individual Members of the Indiana Med. Licensing Bd.</i>            On March 31, 2023, a trial court judge for the U.S. District Court for the Southern District of Indiana permitted the physician plaintiff to amend her complaint challenging Indiana Code §16-34-2-1 that banned most dilation and evacuation abortions except to preserve the health or save the life of the mother.</p> <p><i>U.S. v. Lauren Handy</i>            On March 3, 2023, the U.S. Department of Justice filed its opposition to the criminal defendant's motion to dismiss but declined the opportunity to argue that the U.S. Constitution's 13th Amendment protects abortion, writing that the court can uphold the law without reaching the constitutional issue. This is a criminal case involving several anti-abortion activists. Defendant Handy brought a legal motion to dismiss her indictment on federal charges because the law under which she was charged is based on the right to an abortion that was overturned by the U.S. Supreme Court in Dobbs. On February 6, 2023, in response to this motion, U.S. District Court Judge for the District of Columbia, Colleen Kollar-Kotelly, ruled that the Dobbs decision was based solely on whether the 14th Amendment included such a right. Judge Kollar-Kotelly ordered additional briefing on whether the federal right to abortion could be founded on another part of the U.S. Constitution--specifically, the 13th Amendment's prohibition against slavery.</p>

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US FEDERAL (cont. 5)				<p><i>Planned Parenthood South Atlantic v. Stein</i>            On September 30, 2023, the federal trial judge blocked enforcement of two provisions of the state’s 12-week abortion ban, because they were impermissibly vague, and providers would not know when conduct was permitted or prohibited. The first provision blocked required medical providers to document the location of the probable intrauterine location of the pregnancy before administering a medication abortion. The second provision blocked required abortions after 12 weeks be performed in a hospital. On June 30, 2023, a federal trial court judge for the U.S. District Court for the Middle District of North Carolina issued a temporary restraining order preventing enforcement of the requirement that providers “[d]ocument in the woman’s medical chart the . . . existence of an intrauterine pregnancy.” An order restraining other portions of the law was denied because the other parts do not go into effect until October 1, 2023. Planned Parenthood challenged the state’s 12-week abortion ban as follows: (1) The hospitalization requirement for surgical abortions after 12 weeks violates due process and equal protection; (2) The ban on advising, procuring, or causing abortions after 12 weeks is unconstitutionally vague and infringes on First Amendment rights; and (3) Various inconsistencies in the Act make compliance impossible and are unconstitutionally vague.</p>
US FEDERAL (cont. 6)				<p><i>The Satanic Temple v. Young</i>            On July 5, 2023, the U.S. District Court Judge dismissed the case, ruling that the complaint did not contain sufficient information. The Satanic Temple filed suit in U.S. District Court, Southern District of Texas, to block Texas’s abortion restrictions under the federal constitution. The plaintiff’s motion for an injunction was denied on September 7, 2022. They have filed a notice of appeal on September 21, 2022.</p> <p><i>Planned Parenthood Great NW v. Cameron</i>            After temporarily blocking HB 3 in its entirety on April 21, 2022, a judge of the U.S. District Court for the Western District of Kentucky partially granted a preliminary injunction in May of 2022, prohibiting enforcement of HB 3 relating to reporting and registration programs not yet created by Kentucky’s Cabinet for Health and Family Services and as to the 15-week abortion ban. The Kentucky Attorney General appealed this decision to the U.S. Court of Appeals for the Sixth Circuit on May 27, 2022, and on June 30, 2022, the appellate court remanded the case to the district court in light of the U.S. Supreme Court’s decision in Dobbs. That same day, the Kentucky Attorney General moved to dissolve the preliminary injunction in the district court, and the parties agreed as to the 15-week ban. The district court dissolved the preliminary injunction on July 14, 2022, only as to the 15-week ban, but kept the injunction in place for the other provisions of HB 3 that require compliance with forms and regulations that are not yet available.</p>



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US FEDERAL (cont. 7)				<p><i>Isaacson v. Kristin Mayes</i> On September 11, 2023, the U.S. Court of Appeals for the Ninth Circuit heard oral arguments on whether to reverse a finding that healthcare providers do not have standing to allege an Arizona law criminalizing abortions due to genetic defects is unconstitutionally vague. This case arises from a pre-<i>Dodd</i> case that was remanded after the U.S. Supreme Court overturned <i>Roe v. Wade</i>. On remand, the U.S. District Court judge denied the healthcare providers' renewed injunction request, finding that the high court's decision in <i>Dodd</i> "profoundly changes the legal landscape," and the healthcare providers have not alleged concrete harm and, therefore, do not have standing to sue. The parties appealed to the Ninth Circuit.</p> <p><i>The Satanic Temple v. Little</i> On October 25, 2023, the federal trial judge dismissed the case for the plaintiff's failure to show it would be injured under the law. On November 22, 2022, the governor and state attorney general filed a motion to dismiss the lawsuit. On September 30, 2022, The Satanic Temple sued the state's governor and attorney general in U.S. District Court, District of Idaho, to stop the state's anti-abortion laws under various provisions of the federal constitution and the state's Exercise of Religious Freedom Act.</p> <p><i>Carter v. McDonough</i> On December 13, 2022, a nurse, who is also an Army veteran, at a Temple, Texas VA facility, sued the agency in the U.S. District Court for the Western District of Texas for an injunction barring the VA from compelling her and her colleagues to participate in providing any abortion-related services.</p>