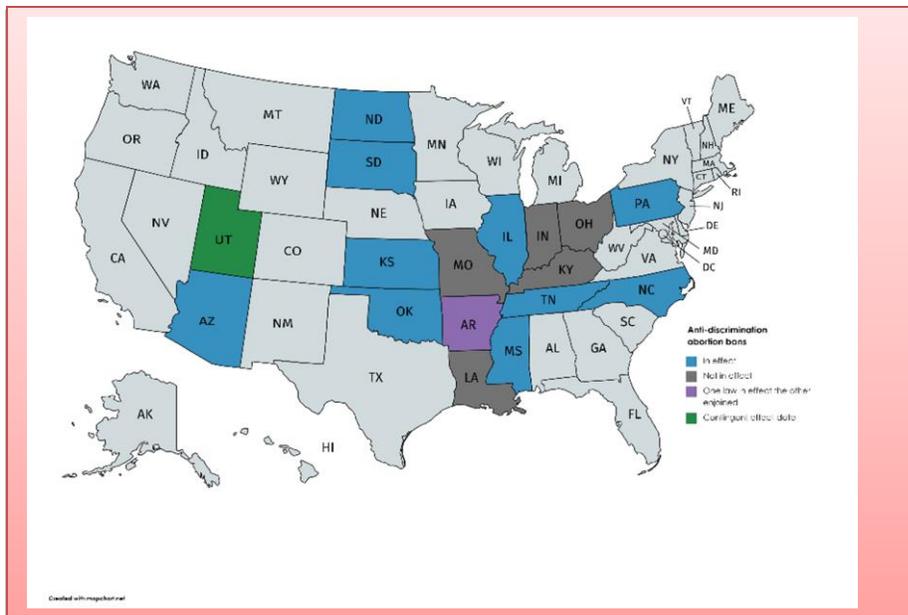


State Laws on Anti-Discrimination Abortion Bans

January 14, 2021

These laws protect unborn babies from being aborted on account of their sex, race, and/or disability. Sex-selection abortion is a form of prenatal discrimination that wages a war, typically on unborn baby girls. In April 2013, a poll taken by The Polling Company found that 85% of respondents supported banning sex selection abortions. Currently seventeen (17) states have enacted laws protecting unborn children from discrimination based on their sex, race, and/or disability.



State Laws (in order of enactment)

1. Illinois - 1975*
2. Penn. - 1982
3. Oklahoma - 2010
4. Arizona - 2011
5. N. Dakota - 2013
6. Kansas - 2013
7. N. Carolina - 2013
8. S. Dakota - 2014
9. Indiana - 2016**
10. Louisiana – 2016**
11. Ohio** - 2017
12. Arkansas – 2017/2019**
13. Kentucky** (2019)
14. Utah (2019)
15. Missouri** (2019)
16. Mississippi (2020)
17. Tennessee** (2020)

*“Enjoined only to extent that it subjects physicians to criminal liability for performing certain pre-viability abortions.” Per consent decree, 1993

**Enjoined, pending litigation

State Legislation Department
202.626.8819



Anti-Discrimination Abortion Bans

January 14, 2020

STATE	INFORMATION	STATUS
Arizona (2011) A.R.S. § 13-3603.02	Cannot discriminate based on sex or race.	In effect. This law was challenged, but the 9 th Circuit Court of Appeals dismissed the challenge.
Arkansas (2017) A.C.A. § 20-16-1904	Cannot discriminate based on sex.	In effect.
Arkansas (2019) Ark. Code Ann. §§ 20-16-2101 to 20-16-2107	Cannot discriminate based on a Down syndrome diagnosis. Exceptions include life/health of the mother, rape and/or incest. Also, should the act be held invalid with respect to pre-viable unborn children, the law will then apply to post viable babies.	Not in effect. Preliminary injunction issued in, <i>Little Rock Family Planning Servs. v. Rutledge</i> , No. 19-2690, 2021 U.S. App. LEXIS 84 (8th Cir. Jan. 5, 2021).
Illinois (1975) 720 ILCS 510/6 (8)	Cannot discriminate based on sex.	A 1993 consent agreement declared the law only enforceable on viable unborn children.
Indiana (2016) Burns Ind. Code Ann. § 16-34-4	Cannot discriminate based on race, color, national origin, ancestry, sex, or diagnosis or potential diagnoses of Down syndrome or other disability.	Not in effect. Declared unconstitutional in <i>Planned Parenthood of Ind. & Ky., Inc. v. Comm'r of the Ind. State Dep't of Health</i> , No. 17-3163, 2018 U.S. App. LEXIS 9883 (7th Cir. Apr. 19, 2018). The United States Supreme Court declined to hear this section of the challenge and it remains unenforceable.
Kansas (2013) K.S.A. § 65-6726	Cannot discriminate based on sex.	In effect.
Kentucky (2019) Ky. Rev. Stat. § § 311.710 to 311.820	Cannot discriminate based on sex, race, color, national origin, a diagnosis or potential diagnosis of Down syndrome or any other disability.	Not in effect. Temporary restraining order issued in: <i>EMW Women's Medical Center v. Beshear</i> , No. 3:19-cv-178-DJH (W. D. Ky. Mar. 15, 2019).

STATE	INFORMATION	STATUS
<p>Louisiana (2016) La. Rev. Stat. Ann. § 40:1061.1.1</p>	<p>Cannot discriminate on babies greater than 20 weeks post-fertilization age based on diagnosis or potential diagnoses. Cannot discriminate on babies less than 20 weeks post-fertilization based on diagnosis or potential diagnoses unless the abortionist provides the mother with information on resources and services. Directs the Department of Health and Hospitals to produce information on services and resources on their website.</p>	<p>Not in effect. State stipulated not to enforce the law pending challenge.</p>
<p>Mississippi (2020) Miss. Code Ann. §§ 41-41-401 to 41-41-419</p>	<p>Cannot discriminate based on sex, race, or presence or presumed presence of a “genetic abnormality”.</p>	<p>Signed by Governor July 1, 2020. Effective immediately.</p>
<p>Missouri (2019) Mo. Rev. Stat. § 188.038</p>	<p>Cannot discriminate based on sex, race, or because of a prenatal diagnosis, test, or screening indicating Down syndrome or the potential of Down syndrome in an unborn child.</p>	<p>Not in effect. Temporary injunction in: <i>Reprod. Health Servs. of Planned Parenthood of the St. Louis Region, Inc. v. Parson</i>, 408 F. Supp. 3d 1049 (W.D. Mo. 2019).</p>
<p>North Carolina (2013) N.C. Gen. Stat. § 90-21.121</p>	<p>Cannot discriminate based on sex.</p>	<p>In effect.</p>
<p>North Dakota (2013) N.D. Cent. Code, § 14-02.1-04.1</p>	<p>Cannot discriminate based on sex or diagnosis or potential diagnoses of a “genetic abnormality”.</p>	<p>In effect.</p>
<p>Ohio (2017) ORC Ann. §§2919.10, 2919.101, 3701.79</p>	<p>Cannot discriminate based on a Down syndrome diagnosis. The law requires statistical reporting.</p>	<p>Not in effect. Preliminary injunction issued in <i>Preterm-Cleveland v. Himes</i>, No. 1:18-cv-109, 2018 U.S. Dist. LEXIS 41898 (S.D. Ohio Mar. 14, 2018).</p>
<p>Oklahoma (2010) 63 Okl. St. § 1-731.2</p>	<p>Cannot discriminate based on sex.</p>	<p>In effect.</p>
<p>Pennsylvania (1982) 18 Pa.C.S. § 3204 (c)</p>	<p>Cannot discriminate based on sex.</p>	<p>In effect.</p>
<p>South Dakota (2014) S.D. Codified Laws § 34-23A-63-64</p>	<p>Cannot discriminate based on sex.</p>	<p>In effect.</p>

STATE	INFORMATION	STATUS
<p>Tennessee (2020) Tenn. Code Ann. § 39-15-217</p>	<p>Cannot discriminate based on race, sex, or a prenatal diagnosis, test, or screening indicating Down syndrome or the potential for Down syndrome in the unborn child.</p>	<p>In effect. The motion for a partial stay of the district court's preliminary injunction is granted in <i>Memphis Ctr. for Reprod. Health v. Slatery</i>, No. 20-5969, 2020 U.S. App. LEXIS 36780 (6th Cir. Nov. 20, 2020).</p>
<p>Utah (2019) <i>To be codified as: Utah Code Ann. §76-7-302.4</i></p>	<p><i>Cannot discriminate based on a diagnosis or potential diagnosis of Down syndrome.</i></p>	<p><i>**Effective date contingent on when a court allows these type of anti-discrimination laws.</i></p>