

Window into the Womb: A Guide to State Laws on Ultrasound

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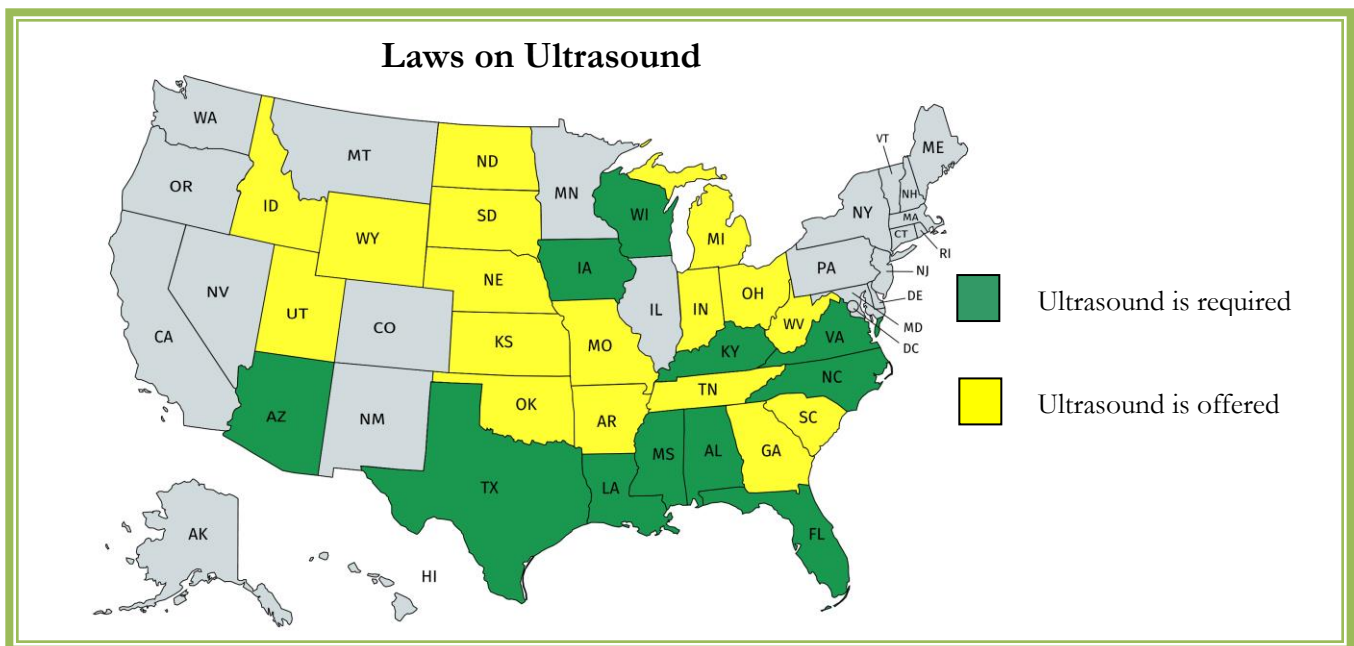
Five states require that an ultrasound be performed prior to an abortion. The screen must be displayed so the mother can view it and a description of the image of the unborn child must be given. They are Kentucky, Louisiana, North Carolina*, Texas, and Wisconsin.

Six states require that an ultrasound be performed and that the mother be offered the opportunity to view the ultrasound. They are Alabama, Arizona, Florida, Iowa, Mississippi, and Virginia.

Twelve states require that the mother be provided with an opportunity to view an ultrasound **if** ultrasound is used as part of the abortion process. They are Arkansas, Georgia, Idaho, Kansas, Michigan, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Utah, and West Virginia.

Five states require that the mother be provided with the opportunity to view an ultrasound. They are Indiana*, Missouri, North Dakota, South Dakota, and Wyoming.

*Indiana and North Carolina currently in litigation.



State Legislation Department
202.626.8819



Specific Legal Details to State Laws

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
ALABAMA ¹ Code of Ala. §§ 26-23A-4(4), (5); 26-23A-6 (b), (c)	<ul style="list-style-type: none"> - Ultrasound must be performed. - Offer to view. - Abortion facilities and clinics that refer for abortions are required to have ultrasound equipment. 	2002 In effect
ARIZONA A.R.S. §§ 36-2151; 36-2156 A.R.S. § 36-449.03 (B)(5); (D)(4); (D)(5)	<ul style="list-style-type: none"> - Ultrasound and auscultation of fetal heart tone must be performed twenty-four hours before. - Offer to view & provide copy of picture. - An ultrasound must be used for all patients who elect to have an abortion after 12 weeks gestation. The mother must request to view the ultrasound if it is to be shown to her. Then it shall be reviewed with her. 	2011 In effect 1999* In effect
ARKANSAS A.C.A. § 20-16-602	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound equipment. - Offer to view. 	2003 In effect
FLORIDA Fla. Stat. § 390.0111(3)(a)1.b.(I) through (3)(a)1.b.(IV)	<ul style="list-style-type: none"> - Ultrasound must be performed to verify the probable gestational age of the unborn child. - Offer to view; however, if the mother is a victim of rape, incest, domestic violence or human trafficking, then no offer to view shall be made. 	2011 In effect
GEORGIA O.C.G.A. § 31-9A-3(2)(C); 31-9A-3(4); Reporting: O.C.G.A. §31-9A-6(a)(3),(4)	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound and auscultation of fetal heart tone equipment. - Offer to view. - Is given information regarding resources that provide free ultrasounds. 	2007 In effect
IDAHO Idaho Code § 18-609(5)	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound equipment. - Offer to view & provide copy of picture. - In 2016, law was amended in order to include giving mothers information regarding resources that provide free ultrasounds. 	2007 In effect 2016 In effect

¹ Attorney General has entered a consent agreement declaring Ala. Code § 26-23A-4 (LexisNexis 2007) is subject to medical emergency exception which includes psychological harm. *Summit Med. Ctr. of Ala., Inc. v. Riley*, No. 02-A-1064-N (M.D. Ala. June 25, 2004) (order granting permanent injunction).

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
INDIANA Burns Ind. Code Ann. § 16-34-2-1.1(a)(1)(I); (3)(B); (4)(b)	<ul style="list-style-type: none"> - Ultrasound must be offered. - Must be informed of how to obtain ultrasound imaging and fetal heart tone services. - Mother shall view and hear fetal heartbeat unless she declines in writing. - An ultrasound shall be performed at least 18 hours prior to the abortion. 	1995 18-hour reflection period after viewing ultrasound that was instituted in 1994 enjoined in: <i>Planned Parenthood of Ind. & Ky. v. Comm'r</i> , No. 17-1883 (7th Cir. July 25, 2018). Writ denied: <i>Box v. Planned Parenthood of Ind. & Ky., Inc.</i> , 139 S. Ct. 1780 (2019)
IOWA Iowa Code § 146A.1	<ul style="list-style-type: none"> - Ultrasound must be performed at least 72 hours prior to an abortion. - Offer to hear heartbeat and view image. - Offer to view confirmed in writing. 	2017 The waiting period portion of this law is enjoined pending litigation <i>Planned Parenthood of the Heartland vs. Reynolds</i> No. EQCE081503 (Polk County District Court, 2017)
KANSAS K.S.A. § 65-4a09	<ul style="list-style-type: none"> - Requirement for all abortion facilities to have ultrasound equipment. - Ultrasound must be performed. -Mother must request to view. 	2011 Temporarily enjoined in <i>Hodes & Nauser, MDs, P.A. et al v. Moser et al</i> , No. 11-C-1298, (Dist. Ct. of Shawnee Cnty. Kan., Div. 7). Affirmed and remanded in: <i>Hodes & Nauser, MDS, P.A. v. Schmidt</i> , 440 P.3d 461 (Kan. 2019)
K.S.A §§65-6709 (h),(i),(j); 65-6710	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound and auscultation of fetal heart tone equipment. - Offer to view & provide copy of picture. - Is given information regarding resources that provide free ultrasounds. 	2009 <i>Hodes & Nauser, MDS, P.A. v. Schmidt</i> , 440 P.3d 461 (Kan. 2019)
KENTUCKY To be codified as: KRS §§ 311.710 to 311.820 (2017)	<ul style="list-style-type: none"> - Ultrasound must be performed. - Shall display the screen and provide simultaneous explanation of what ultrasound is depicting & hear fetal heart tone. 	2017 In effect. Reversed the injunction by the district court in <i>EMW Women's Surgical Ctr., P.S.C. v. Beshear</i> , 920 F.3d 421 (6th Cir. 2019). Rehearing, en banc, denied by <i>EMW Women's Surgical Ctr., P.S.C. v. Beshear</i> , (6th Cir., June 28, 2019)

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
LOUISIANA ² La. R.S. 40:1299.35.2 (D)	- 24 hours prior to abortion, must perform ultrasound, display screen, and make heartbeat audible. - Offer to provide copy of picture. - Information on resources providing free ultrasounds.	2012
La. R.S. 40:1299.35.6(B)(1)(h)	- Abortionist shall inform the mother of option to review and receive an explanation of an obstetric ultrasound image of the unborn child.	2007
La. R.S. 40:1299.35.2 (C)	-The abortionist shall inform the mother that she has the option of viewing an ultrasound of her unborn child of twenty weeks gestation or more.	1999
MICHIGAN MCLS § 333.17015(8)	- Applies only to facilities that use ultrasound. - Offer to view & provide copy of picture. - Is given information regarding resources that provide free ultrasounds.	2006
MISSISSIPPI Miss. Code Ann. § 41-41-34	- Ultrasound and auscultation of fetal heart tone must be performed. - Offer to view and hear heart tone & provide copy of picture.	2007
MISSOURI R.S.Mo. § 188.027 (4)	- Ultrasound must be offered at least 24 hours prior to an abortion. - Offer to view and hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds.	2010
NEBRASKA R.R.S. Neb. § 28-327(2)(e); (3)	- Applies only if facilities use ultrasound. - Shall display the screen. - Is given information regarding resources that provide free ultrasounds.	2009
NORTH CAROLINA N.C. Gen. Stat. § 90-21.85	- Ultrasound and auscultation of fetal heart tone must be performed at least 24 hours prior to abortion. - Shall display the screen and make fetal heart tone audible, mother can avert her eyes. - Is given information regarding resources that provide free ultrasounds.	2011 Enjoined in: <i>Stuart v. Huff</i> , 834 F. Supp. 2d 424, 2011 U.S. Dist. LEXIS 123244 (M.D.N.C. 2011)
NORTH DAKOTA N.D. Cent. Code, § 14-02.1-04 (4) Reporting: N.D. Cent. Code, § 14-02.1-07.1(a)	- Ultrasound must be offered. - If performed, it must be twenty-four hours prior to abortion. - Offer to view & hear fetal heart tone. - The abortion facilities must keep records for reporting reasons.	2009
OHIO ORC Ann. 2317.561	- Applies only if facilities use ultrasound. - Offer to view & provide copy of picture free of additional charge.	2008

² The enactment of the 2010 law removed the 20 week gestation provision.

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
OKLAHOMA 63 Okl. St. §§ 1-738.3d; 1-738.3e	<ul style="list-style-type: none"> - Ultrasound must be performed at least 1 hour prior to performing an abortion. - Shall display the screen, but mother can avert her eyes. 	2010 Permanently enjoined on Dec. 4, 2012. The state has filed a petition for certiorari with the United States Supreme Court. <i>Nova Health Sys. v. Pruitt</i> , 2012 OK 103 (Okla. 2012). Cert denied: <i>Pruitt v. Nova Health Sys.</i> , 134 S. Ct. 617 (U.S. 2013).
63 Okl. St. § 1-738.2.B.1,a (5) Ultrasound Reporting: 63 Okl. St. § 1-738m (c)(15), (16)	<ul style="list-style-type: none"> -Ultrasound must be offered. -Offer to view & hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds. 	2006
SOUTH CAROLINA S.C. Code Ann. §§ 44-41-330 (A)(1); 44-41-340(6)	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. - Offer to view. - Is given information regarding resources that provide free ultrasounds. - No abortion may be performed sooner than 60 minutes after an ultrasound. - The woman must certify in writing that she has been informed of her right to view the ultrasound. 	2008
S.C. Code Regs. 61-12 (301)	-Abortion clinic regulations require the abortionist to perform an ultrasound when gestational age is unknown or is estimated to be 14 weeks or older.	1996
SOUTH DAKOTA S.D. Codified Laws § 34-23A-52	<ul style="list-style-type: none"> - Ultrasound must be offered. - Offer to view. - Reports number of women who viewed. 	2008
TENNESSEE T.C.A., Section 39-15-203(b) and 39-15-202(b)	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. - Offer to view. - If viewed, provider must inform mother of presence or absence of heartbeat. 	2018
TEXAS* Tex. Health & Safety Code § 171.012; 171.0122	<ul style="list-style-type: none"> - Ultrasound must be performed. - Shall display the screen & hear fetal heart tone, mother can avert eyes. - Is given information regarding resources that provide free ultrasounds. 	2011 Upheld in: <i>Tex. Med. Providers Performing Abortion Servs. v. Lakey</i> , 2012 U.S. Dist. LEXIS 14721 (W.D. Tex. Feb. 6, 2012)
UTAH Utah Code Ann. § 76-7-305 (v); 76-7-305(6); 76-7-305(10); 76-7-305.5 (8)	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound, then ultrasound must be offered. - Shall display the screen if the mother chooses to view. 	2010

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
VIRGINIA* Va. Code Ann. § 18.2-76 (B);(C);(D)(4); (D)(5);(F)(1)	<ul style="list-style-type: none"> - Ultrasound must be performed 24 hours before abortion. -Offer to view & hear fetal heart tone. -Limitations: rape and incest - Is given information regarding resources that provide free ultrasounds. 	2012
WEST VIRGINIA W. Va. Code § 16-2I-2 (b)(4); (c)	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. -Offer to view at least 1 hour before the procedure. 	2010
WISCONSIN To be codified as: Wis. Stat. § 253.10 (3g)	<ul style="list-style-type: none"> - Ultrasound and auscultation of fetal heart tone must be performed. - Shall display the screen and make fetal heart tone audible. -Exception for reported sexual assault or reported incest. 	2013 A portion of this law dealing with admitting privileges has been challenged and a temporary injunction was issued. The portion dealing with ultrasound was kept in effect.
Wyoming Wyo. Stat. § 35-6-119	<ul style="list-style-type: none"> -Ultrasound must be offered. -Offer to view the active ultrasound and hear the heartbeat of the unborn child. 	2017

* Both Texas and Virginia allow for a 2 hour reflection period if the pregnant mother lives 100 miles or more from the abortion facility.

TOTAL: 28 STATE LAWS