



2025 Legislative Updates: Abortion, IVF, and Physician-Assisted Suicide Laws

I. INTRODUCTION

The map of Life-protecting states radically expanded after the *Dobbs* decision three years ago, but gaps and fissures have appeared in many states now that abortion, contraception, and in vitro fertilization (“IVF”) have been intensely politicized. Thankfully, since *Dobbs*, abortion advocates have largely been excluded from the federal courts, and are 0 for 8 in attempting to craft state constitutional rights to elective abortion in state appellate courts.¹

On the other hand, the state legislature picture has evolved into a stalemate, with pro-life states and pro-abortion states facing off against one another over chemical abortion restrictions and so-called “shield laws” which seek to protect abortionists from criminal liability for performing illegal abortions or electronically providing abortion-inducing drugs in pro-life states. These shield laws raise a variety of constitutional and criminal procedural issues.

¹ See *Oklahoma Call for Reproductive Justice v. Drummond*, 526 P.3d 1123, 1130 (March 21, 2023) (Oklahoma Supreme Court holding that there is a limited state constitutional right to abortion only “when necessary to preserve [the mother’s] life,” but also “mak[ing] no ruling on whether the Oklahoma Constitution provides a right to an elective termination of pregnancy, i.e., one made outside of preserving the life of the pregnant woman”.); see also *Planned Parenthood South Atlantic v. State of South Carolina*, 438 S.C. 188 (Jan. 5, 2023) (state supreme court initially held that a right of privacy included the right to abortion, but upheld the state’s “Heartbeat” law on the basis that the right to life outweighed any right to abortion, rendering the “right to abortion” a virtual nullity); see also *SisterSong Women of Color Reproductive Justice Collective v. State of Georgia*, No.S23A0421 (Oct. 24, 2023) (remanding the challenge to Georgia’s “Heartbeat” law because the trial court relied on overruled case law (*Roe* and *Casey*) and directing the trial court to consider the challenge based only on Georgia law); see also *SisterSong Women of Color Reproductive Justice Collective v. State of Georgia*, No.S25M0216 (Oct. 7, 2024) (granting emergency injunction as to Georgia’s “Heartbeat” law while the appeal is heard, but not ruling on the merits or constitutionality of the pro-abortion advocates’ claims); see also *Planned Parenthood v. Rokita*, No. 22S-PL-338 (June 30, 2023) (holding that Article I, Section I of the Indiana state constitution protects a woman’s right to an abortion that is necessary to protect her life or to protect her from a serious health risk, but the General Assembly otherwise retains broad legislative discretion for determining whether the extent to which to prohibit abortions); see also *Planned Parenthood of the Heartland v. Reynolds*, No. 21-0856 (June 17, 2022) (overturning previously held state “right to abortion”); see also *Planned Parenthood of Southwest and Central Florida v. State of Florida*, 384 So. 3d 67 (Fla. April 1, 2024) (finding that the 15-week abortion ban did not violate the state constitution’s privacy clause); see also *Planned Parenthood v. Mayes*, 545 P.3d 892 (April 9, 2024) (upholding Arizona’s pre-*Roe* abortion ban based in part on prior Arizona case finding no state constitutional right to abortion prior to *Roe*, (see *Nelson v. Planned Parenthood Ctr. of Tucson, Inc.*, 19 Ariz App. 142, 505 P.2d 580 (1973)); but see also Proposition 139, where Arizona’s voters passed a ballot initiative in the November 2024 election to enshrine a right to abortion in their state constitution); see also *Planned Parenthood v. State of Idaho*, 522 P.3d 1132, 1148 (Jan. 5, 2023) (Idaho Supreme Court holding that “we cannot read a fundamental right to abortion into the text of the Idaho Constitution” and upholding 6-week ban on abortion).

Note that the Oklahoma and South Carolina decisions did not find a fundamental right to abortion that outweighed the States’ rights to restrict elective abortion. These cases illustrate how state supreme court justices thus far have refused to follow the error of the U.S. Supreme Court in *Roe* and *Casey* and recreate a “fundamental right to abortion” in their states’ constitutions.

For example, a grand jury in Louisiana indicted a New York doctor for prescribing chemical abortion pills to a teenage girl in Louisiana in February 2025.² The girl's mother ordered the chemical abortion pills and told her daughter she had to take the chemical abortion pills or move out of the house, even though the girl had planned a gender reveal party and wanted to keep her baby.³ After taking the chemical abortion pills, the girl suffered a medical emergency at home alone, called 911, and was taken to the hospital.⁴ But New York signed a shield law into effect, and the New York governor has stated that she would not sign an extradition request for the New York doctor.⁵

The principal progress abortion advocates have seen is with state ballot initiatives, where voters have decided whether to enshrine a right to abortion in their state constitutions. Pro-abortion advocates have moved quickly to bolster wins in this area with nearly a dozen new pro-abortion initiatives planned for November's election. And the November 2024 election had some pro-life victories, but some devastating losses via state ballot initiatives. The state constitutional abortion rights measures failed in three out of ten states that voted on them this past November. Florida, Nebraska, and South Dakota all rejected these measures. But the measures passed in Arizona, Colorado, Maryland, Missouri, Montana, Nevada, and New York.

Americans United for Life ("AUL") continues to provide model legislation and testimony for pro-life laws and resolutions, such as tax credits for pregnancy resource centers, abortion-reporting requirements, chemical abortion restrictions, and prohibitions against coerced abortions. And AUL attorneys frequently testify against harmful anti-life laws, such as bills authorizing physician-assisted suicide. Although these suicide bills have been largely unsuccessful across the country, pro-suicide advocates continue to push for legalization in various states, such as Illinois, Indiana, Virginia, Maryland, New Hampshire, Delaware, Georgia, Missouri, Tennessee, Massachusetts, Rhode Island, and Connecticut.

II. The Landscape for Life

We frequently speak of a "Culture of Life", and the *Dobbs* decision has freed many states to actively work toward creating one free from *Roe*'s shackles. Fifteen states have enacted laws protecting all life in the womb; 3 more states have "Heartbeat" style laws that protect life from 6 weeks gestation; and 5 more states have enforceable protections beginning at a later gestational age.

By and large, these pro-Life states are the same states that ranked high on [AUL's Life List](#) for pro-life policy before *Roe* was overturned. All these states allow for medically necessary interventions to protect the life/health of the mother, and some allow abortions in cases of rape and incest. Here's what the gestational laws look like across the map three years after *Dobbs*:

² See Anthony Izaguirre, *New York shields abortion pill prescribers after a doctor was indicted in Louisiana*, ABC EYEWITNESS NEWS (Feb. 3, 2025), <https://abc7ny.com/post/new-york-gov-kathy-hochul-signs-bill-shielding-abortion-pill-prescribers-doctor-was-indicted-louisiana/15860942/#:~:text=The%20move%20came%20after%20a,online%20to%20a%20pregnant%20minor> (last visited Feb, 6, 2025).

³ See Lorena O'Neil, *Louisiana, New York leaders spar after doctor indicted for out-of-state abortion pill prescription*, OKLAHOMA VOICE (Feb. 3, 2025), <https://oklahomavoice.com/2025/02/03/louisiana-new-york-leaders-spar-after-doctor-indicted-for-out-of-state-abortion-pill-prescription/#:~:text=A%20Louisiana%20grand%20jury%20indicted,their%20stances%20on%20the%20case> (last visited Feb, 6, 2025).

⁴ See *id.*

⁵ See *id.*

States Protecting Life Through All Nine Months

- [Alabama](#)
- [Arkansas](#)
- [Idaho](#)
- [Indiana](#)
- [Kentucky](#)
- [Louisiana](#)
- [Mississippi](#)
- [North Dakota](#)
- [Oklahoma](#)
- [South Dakota](#)
- [Tennessee](#)
- [Texas](#)
- [West Virginia](#)
- *Wyoming (passed a law completely prohibiting elective abortion, but the law is currently being challenged and is not in effect)

Heartbeat Laws (Protection at Six Weeks)

- [Florida](#)
- [Georgia](#)
- Iowa
- [South Carolina](#)

Pro-Life Protection at Other Gestational Ages

- | | |
|----------------------------------|--|
| • Arizona | prohibits elective abortion after 15 weeks gestation |
| • Nebraska | prohibits elective abortion after 12 weeks gestation |
| • North Carolina | prohibits elective abortion after 12 weeks gestation |
| • Utah | prohibits elective abortion after 18 weeks gestation |
| • Wisconsin | prohibits elective abortion after 20 weeks gestation |

States with Minimal or No Gestational Limits

- | | |
|-----------------|------------------------------|
| • Alaska | no limits |
| • Connecticut | no limits before “viability” |
| • Delaware | no limits before “viability” |
| • Hawaii | no limits before “viability” |
| • Illinois | no limits before “viability” |
| • Kansas | no limits before 22 weeks |
| • Maine | no limits |
| • Massachusetts | no limits before 27 weeks |
| • Minnesota | no limits |
| • New Hampshire | no limits before 24 weeks |
| • New Jersey | no limits |
| • New Mexico | no limits |
| • Oregon | no limits |
| • Pennsylvania | no limits before 24 weeks |

- Rhode Island no limits before “viability”
- Virginia no limits before 27 weeks
- Washington no limits before “viability”
- Washington, D.C. no limits

States with Constitutional Amendments for a “Right” to Elective Abortion

- Arizona
- California
- Colorado
- Maryland
- Michigan
- [Missouri](#)
- Montana
- Nevada
- New York
- Ohio
- Vermont

III. State Ballot Initiatives

After *Dobbs*, the pro-abortion lobby began using state ballot initiatives to challenge existing legislative actions on abortion. With the media on their side, they were successful in convincing voters, often with deceptive messaging and language about women’s health and safety, to upend the status quo in pro-life states and turn them into abortion-on-demand havens. Understanding and defeating pro-abortion ballot initiatives is crucial in states where a simple majority of voters can change the state constitution.

Ballot initiatives allow citizens to propose and vote directly on legislation or constitutional amendments. Not all states allow for ballot initiatives, and certain states (like Florida and Colorado) have higher thresholds for amendments to pass. In the context of abortion law, ballot initiatives have emerged as a significant battleground. In 2023, abortion advocates spent significant amounts of money to turn out their base to vote on ballot measures in key states.

Abortion was front and center again in the November 2024 elections, with ten states voting on whether to enshrine a right to abortion in their state constitutions. As *Axios* said, a “reproductive-rights blitz” is ongoing, which is “meant to tap into the potency of abortion rights as a voter-turnout generator ... timed to coincide with the two-year anniversary of [*Dobbs*]”.⁶

In 2022, California, Michigan, and Vermont enshrined a constitutional right to abortion. In 2023, Ohio followed suit. Since voters passed these measures, abortion activists have challenged life-affirming policies in both the legislatures and the courts. Michigan is one harrowing example of the impact pro-abortion ballot measures have on life-affirming policies. After enshrining the right to abortion in its constitution, the Michigan legislature sought to repeal (and successfully did repeal) numerous protections for women and preborn children, including the state’s ban on partial-birth

⁶ Sareen Habeshian, *Where abortion is on the ballot this November*, *Axios* (Oct. 22, 2024), <https://www.axios.com/2024/04/06/abortion-amendment-november-2024-elections-states-map> (last visited, Jan. 30, 2025).

abortions, informed consent safeguards, and provisions requiring abortion facilities to be licensed and operated under necessary health and safety standards.

The impact goes well beyond laws. Perhaps the strongest evidence of the importance of these ballot initiatives is what happened in Ohio in 2023. Once a state that valued life, it is now one of the top 5 destinations for abortion travel according to pro-abortion researcher, Guttmacher Institute.⁷ The ballot initiative amended the Ohio constitution to say:

“[e]very individual has a right to make and carry out one’s own reproductive decisions, including but not limited to decisions on contraception, fertility treatment, continuing one’s own pregnancy, miscarriage care, and abortion.”⁸

This means the state is prohibited from enacting laws that protect women unless the State can satisfy the highest level of constitutional scrutiny, which is outlined in the amendment, stating that no laws in Ohio shall:

“directly or indirectly, burden, penalize, prohibit, interfere with, or discriminate against either an individual’s voluntary exercise of this right or a person or entity that assists an individual exercising this right, unless the State demonstrates that it is using the least restrictive means to advance the individual’s health in accordance with widely accepted and evidence-based standards of care.”⁹

If Ohio is any warning, Arizona, Colorado, Maryland, Missouri, Montana, Nevada, and New York must be prepared for either the legislatures to repeal common-sense laws that protect women and their preborn children, or for pro-abortion advocates to ask state courts to strike down pro-life laws based on the states’ new constitutional amendments enshrining a right to abortion. AUL has issued analyses for each of the ten ballot initiatives voted on in November 2024, which can be accessed [here](#).

In addition, Connecticut, Maine, New Hampshire, and Virginia also had bills that would have put pro-abortion measures on future ballots, but all failed. Virginia, however, is seeking again to enshrine a right to abortion through [HJ1](#), a joint resolution that will be put before the voters in November, 2025. AUL prepared a policy paper analyzing HJ1, which can be found [here](#).

In Arkansas, the Secretary of State rejected the citizen-initiated ballot measure due to failures in the signature gathering process. This rejection was upheld by the Arkansas Supreme Court and the measure did not appear on the ballot in November 2024.

Unfortunately, these states with constitutional measures now must generally show that pro-life laws legislatures seek to pass satisfy the “strict scrutiny” standard, meaning that the laws must generally be narrowly tailored, be justified by a compelling state interest, and be the least restrictive means to achieve that state interest. It’s very difficult for states to show courts that their laws meet this standard when laws are challenged as violating state or federal constitutional provisions.

IV. State Legislatures

Three years after *Dobbs*, the abortion issue has returned to the democratic process. As shown above, there is now a patchwork of gestational abortion laws throughout the country, and the

⁷ <https://www.guttmacher.org/2023/12/high-toll-us-abortion-bans-nearly-one-five-patients-now-traveling-out-state-abortion-care>).

⁸ OHIO STATE CONST., ART. I, § 22.

⁹ *Id.*

landscape will likely continue to change as pro-life legislatures grapple with recently-passed pro-abortion constitutional amendments.

Chemical Abortion and Shield Laws

Chemical abortion remains a paramount issue for states to legislate because it continues to be the most common form of abortion. Even states with second trimester protections still have an incredibly high number of chemical abortions as a result of the pills being accessible online and shipped into the state.

According to Guttmacher, chemical abortions accounted for 63% of all abortions in 2023, up from when it accounted for 53% in 2020.¹⁰ And as AUL has covered in its legislative reports, it is no secret abortion pills are illegally moving through the U.S. In fact, a European-based abortion pill supplier has a program to assist anti-life medical professionals in shipping abortifacients into states where abortion is illegal.¹¹

Because of this, AUL has prepared several timely model bills, including AUL's "Abortion-Inducing Drugs Risk Protocol" and AUL's "Chemical Abortion Accountability Act." In 2021, AUL and other national pro-life organizations worked together to draft a model bill designed to protect women from the dangers of the prescription drugs used in the chemical abortion procedure. The use of the chemical abortion regimen continues to increase year after year, which makes the regulation of the two-drug protocol more and more pressing for state legislators. The Food and Drug Administration eliminated the in-person dispensing requirement, as well as other necessary safeguards, and litigation against such changes is still ongoing, making this coalition bill even more significant.

And AUL's "Chemical Abortion Accountability Act" helps protect women from the serious risks to their health and safety which has been exacerbated by the lack of medical oversight of abortion-inducing drugs. The Biden Administration chose to put women's lives at risk, and a growing number of states have chosen to shield those who value profit over women's health and safety. But since the new Trump Administration started in January 2025, AUL has led the pro-life movement in a [petition](#) asking that the administration reinstate health and safety safeguards on the dangerous chemical abortion drugs. And AUL, alongside other pro-life organizations, has published a [policy paper](#) explaining in detail the harms of chemical abortion and how pro-life states and the Trump Administration can more effectively curb these harms.

Tragically, there have been instances of women dying and being severely injured because of well-documented complications caused by chemical abortion pills. Look to the preventable death of Amber Thurman, a woman from Georgia who traveled to North Carolina, obtained abortion pills, and

¹⁰ News Release, Guttmacher Institute, Medication Abortions Accounted for 63% of All US Abortions in 2023, an Increase from 53% in 2020 (Mar. 19, 2024), <https://www.guttmacher.org/news-release/2024/medication-abortions-accounted-63-all-us-abortions-2023-increase-53-2020>.

¹¹ Steven H. Aden, *Annual State Policy Report on America's State Legislative Sessions*, AMS. UNITED FOR LIFE (Oct. 3, 2023), <https://aul.org/wp-content/uploads/2023/10/2023-AUL-Annual-State-Policy-Report.pdf>. The Economist states that "the federal drug regulator has allowed abortifacient pills to be prescribed by mail, giving millions of women (including some in anti-abortion states) easier access to early-term abortions than they had before." *The Pro-Choice Movement That Could Help Joe Biden Win*, THE ECONOMIST, (May 30, 2024), <https://www.economist.com/leaders/2024/05/30/the-pro-choice-movement-that-could-help-joe-biden-win>.

died as a result of common chemical abortion complications¹²—sepsis, incomplete abortion (retained pieces of her preborn children)—and inadequate medical care for those complications.¹³

Chemical abortion continues to be a tool for abusers to coerce women and girls into aborting their preborn children, even when those women and girls want to keep their children. To illustrate, on May 24, 2024, Louisiana Governor Jeff Landry signed a bill that added mifepristone and misoprostol—abortion-inducing drugs—to the controlled substances list (still allowing for non-abortion uses) and added abortion drug coercion as a form of domestic violence. The bill’s sponsor had a personal motivation for introducing such a bill: his sister’s ex-husband attempted to kill his preborn daughter by slipping abortion-inducing drugs—illegally obtained from Mexico—into his wife’s drinks. He received a sentence of a mere 180 days in county jail.

And as discussed, a Louisiana mother ordered chemical abortion pills from a doctor in New York, and coerced her daughter into taking them, even though her pregnant daughter wanted to keep her baby, and had even planned a gender reveal party.¹⁴ And studies highlight the prevalence of coerced abortions. In a 2017 study on women’s abortion experiences, 73.8% of women said that they “disagreed that their decision to abort was entirely free from even subtle pressure from others to abort,” and 28.4% of women said that they “aborted out of fear of losing their partner if they did not abort.”¹⁵ Additionally, in a 2023 national study published in *Cureus* medical journal, researchers found that over 60% of women who had abortions reported experiencing high levels of pressure to abort from one or more sources.¹⁶ These women also reported having higher levels of mental health issues after having an abortion.¹⁷

Other Pro-Life Laws

AUL has also continued to provide pro-life model bills in other areas of pro-life advocacy and pro-life culture. In 2023, AUL introduced a new model bill, the “Pregnancy Options Tax Credit Act,” which provides a way for states and the pro-life community to support pro-life pregnancy resource centers in a post-*Dobbs* world. This bill extends state tax credits for individuals and businesses that choose to donate to pregnancy resource centers.

¹² See FDA, 2023, *Abortion pill black box warning*, (“WARNING: SERIOUS AND SOMETIMES FATAL INFECTIONS OR BLEEDING”; instructions listed for signs and symptoms of infection, sepsis, and uterine bleeding), https://www.accessdata.fda.gov/drugsatfda_docs/label/2023/020687Orig1s025Lbl.pdf.

¹³ See Ryan Chatelain, *Lawsuit Alleges Doctors Who Delayed Emergency Abortion to Blame for Georgia Woman’s Death*, (Oct. 1, 2024), <https://ny1.com/nyc/all-boroughs/news/2024/10/01/lawsuit-amber-thurman-death-emergency-abortion>; Nicholas Tomaino, *The Truth About Amber Thurman’s Death*, Wall St. J. (Oct. 6, 2024), <https://www.wsj.com/opinion/the-truth-about-amber-thurmans-death-abortion-procedure-state-laws-healthcare-f302e4f9?st=3gabhbv78ed248z>; see also *FACT CHECK: Did Georgia’s pro-life law kill a young woman?*, Live Action (Sep. 17, 2024), <https://www.liveaction.org/news/fact-check-did-georgias-law-kill-mom/>.

¹⁴ See O’Neil, *supra* note 3.

¹⁵ Kaitlyn Boswell et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experience*, 22 J. AM. PHYSICIANS & SURGEONS 113, 115 (2017); see also Moria Gaul, *Protecting Women from Coerced Abortions: The Important Role of Pregnancy Help Centers*, CHARLOTTE LOZIER INST., Mar. 2022, at 2, https://lozierinstitute.org/wp-content/uploads/2022/03/On-Point-78_Protecting-Women-from-Coerced-Abortion_2022.pdf (finding that “[o]ne provider of post-abortive counseling reported . . . that, in any given year, 75-85% of women who received post-abortive counseling reported that ‘they felt they were misled by the abortion clinics and that their decisions were uninformed and, in many ways, coerced.’”).

¹⁶ David C. Readon & Tessa Longbons, *Effects of Pressure to Abort on Women’s Emotional Responses and Mental Health*, CUREUS (Jan. 31, 2023).

¹⁷ *Id.*

In 2024, similar tax credit bills were introduced in Alabama, Kansas, Ohio, and West Virginia. Kansas' legislature passed a bill authorizing a tax credit for pregnancy resource centers. Additionally, in 2024, 54 bills were introduced in 20 states to provide funding for these centers. So far, eleven states—Arkansas, Florida, Iowa, Kansas, Louisiana, Missouri, Oklahoma, South Carolina, Tennessee, Utah and West Virginia—passed bills allocating funding to pregnancy resource centers. By the end of 2024, at least 41 pro-life bills and resolutions passed in 20 states, as opposed to 31 anti-life bills passing in 13 states.¹⁸

Legislative activity relating to abortion continues to ramp up in 2025 legislative session, with states filing numerous pro-life and pro-abortion bills. Across the country, at least 300 bills addressing abortion, contraception, and IVF were introduced by early February 2025.¹⁹

Physician-Assisted Suicide

2024 was a watershed year for defending Life against threats to the elderly and ill. No new states voted to legalize assisted suicide, and only Colorado expanded access to it. And in Europe, the European Court of Human Rights ruled overwhelmingly that no “right to die” exists, [upholding](#) Hungary's law against assisted suicide. On the other hand, United States Representatives Brittany Petterson and Scott Peters introduced the “Patient Access to End-of-Life Care Act.” This Act would amend the “Assisted Suicide Funding Restriction Act of 1997,” thereby ending a longstanding prohibition on federal funding of physician-assisted suicide.

During the 2024 sessions, twenty states introduced bills to legalize physician-assisted suicide: Arizona, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, and Wisconsin. For the first time in Massachusetts, the “End of Life Options Act” was pushed through the Joint Committee on Health Care Financing and the Joint Committee on Public Health, but it failed to advance. The session in New Hampshire was also a shocking one as the Republican-majority House passed their physician-assisted suicide bill in a 179-176 vote. Thankfully, it failed in the Senate 17-7.

Delaware came uncomfortably close to becoming the 11th state along with the District of Columbia to legalize physician-assisted suicide. The bill passed the House for the first time ever with a 21-4 vote in favor. While the bill failed in the Senate the first time, the bill sponsor was able to bring the bill up for a second vote where it passed 11-10. AUL worked to stop this. Governor Carney vetoed the bill, protecting Delaware's citizens from the dangers of assisted suicide. Recognizing assisted suicide for what it really is, he wrote, “I am fundamentally and morally opposed to state law enabling someone, even under tragic and painful circumstances, to take their own life.”²⁰

As we have warned time and time again, the so-called “safeguards” assisted suicide supporters push are ultimately meaningless. The public is sold a story that assisted suicide is safe and won't be abused because “safeguards” exist. But once assisted suicide is legal, legislators and assisted suicide

¹⁸ Steven H. Aden, *Annual State Policy Report on America's State Legislative Sessions*, AMS. UNITED FOR LIFE (Dec. 30, 2024), https://aul.org/wp-content/uploads/2024/12/AUL-2024-policy-report_digital.pdf.

¹⁹ See Americans United for Life, *State Spotlight, Tracking Legislation Across the Pro-Life Spectrum in all 50 states*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/state-spotlight/> (last visited Feb. 6, 2025).

²⁰ Governor Carney Vetoes House Bill 140 (Sept. 20, 2024) <https://news.delaware.gov/2024/09/20/governor-carney-vetoes-house-bill-140/>.

advocates quickly turn around and claim the very same safeguards are actually barriers to access of a legal right. The destruction of so-called “safeguards” we covered last year continues exactly as we predicted they would.

In 2024, Vermont became the first state to remove the residency requirement—a “safeguard” against suicide tourism—from the law, a move applauded by the pro-suicide group, Compassion & Choices.²¹ Likewise, Colorado enacted a bill to expand access to physician-assisted suicide: the bill reduces the waiting period from 15 days to 7 days and allows for the complete waiver of any waiting period for patients “unlikely” to live past the next 48 hours. The bill also expands access by giving advanced practice registered nurses the authority to evaluate a patient and prescribe him or her lethal drugs.

By early February 2025, Arizona, Illinois, Indiana, Missouri, New Hampshire, Delaware, Tennessee, Virginia, Connecticut, Rhode Island, and Massachusetts introduced bills to legalize physician-assisted suicide. Vermont and New Jersey introduced bills to further expand their physician-assisted suicide bills. Unfortunately, Delaware’s new governor, Matt Meyer, has “publicly committed to signing the bill,”²² and it is likely that in 2025, Delaware will join the handful of states with legalized death-on-demand.

But a ray of hope exists as some legislators seek to protect vulnerable communities from suicide activists’ efforts to legalize and expand death-on-demand. In November 2024, West Virginia citizens voted to protect life by adding an amendment to the state constitution that prohibits physician-assisted suicide.²³ West Virginia is the first state to pass a constitutional amendment prohibiting physician-assisted suicide.

On the other hand, Montana, in an excellent showing of value for life, introduced a bill to prohibit physician-assisted suicide, since Montana is one of the few states with a judicial decision authorizing physician-assisted suicide.²⁴ And Georgia introduced the “Hope for Georgia Patients Act,” which would allow patients facing life-threatening or severely debilitating illnesses to try “individualized investigational treatment,” wherein patients in Georgia might access “individualized gene therapy, individualized investigational antisense oligonucleotides, and individualized neoantigen vaccines or individualized neoantigen therapy.”²⁵

In Vitro Fertilization

In 2024, after the Alabama Supreme Court interpreted its wrongful death law to allow parents to stop an IVF business from avoiding liability for its mistakes and hold it accountable for its negligent actions and failures—the destruction of wanted embryos in a case that had nothing to do with the legality of the IVF process—there was a frenzied rush to protect IVF businesses and prevent them

²¹ See Compassion & Choices, *Advocates Praise Vermont Legislature and Governor for Removing Residency Requirement From State’s Medical Aid In Dying Law*, COMPASSION & CHOICES (April 12, 2024), <https://compassionandchoices.org/news/advocates-praise-vermont-legislature-and-governor-for-removing-residency-requirement-from-states-medical-aid-in-dying-law/> (last visited Feb. 6, 2025).

²² See Sarah Mueller, *Delaware lawmakers to again consider legalizing physician-assisted suicide*, WHYY PBS (Jan. 6, 2025), <https://whyy.org/articles/delaware-physician-assisted-suicide-eric-morrison/> (last visited Feb. 6, 2025).

²³ See Lori Kersey, *WV voters narrowly approved putting medically assisted suicide prohibition in constitution*, WEST VIRGINIA WATCH (Nov. 6, 2024), <https://westvirginiawatch.com/2024/11/06/west-virginia-voters-narrowly-approved-putting-medically-assisted-suicide-prohibition-in-constitution/> (last visited Feb. 6, 2025).

²⁴ See S.B. 136, Gen. Assemb., Reg. Sess. (Mt. 2025).

²⁵ See S.B. 72, Gen. Assemb., Reg. Sess. (Ga. 2025).

from being held accountable for any future failures. Ten states—including Alabama, Georgia, California, Delaware, New Jersey, New York, North Carolina, Ohio, South Carolina, and Washington—introduced bills that would protect businesses from criminal or civil liability in similar situations or introduced bills that stated fertilized embryos that were not implanted were not human beings.

The bill was successful in Alabama, and IVF businesses there can now operate without consequences for their mistakes or negligence. Under this new law, “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” related to IVF services. In other words, Alabama IVF clinics have nearly absolute civil and criminal immunity for their actions.

Since the Alabama Supreme Court’s decision, a variety of bills relating to the IVF services have been introduced across the nation for the 2025 legislative sessions. Although AUL does not take a position on IVF as a practice, AUL is concerned with all anti-life practices that occur during the in vitro process.²⁶ This includes the way embryos are inhumanely treated as insignificant materials through the intentional destruction of, or experimentation on, “unwanted” embryos, and the decision to leave unused or unwanted embryos perpetually frozen.

In addition, the destruction of “excess” fertilized embryos, either before implantation or after, in the process known as “selective reduction”—abortion—is an abhorrent anti-life practice whereby the “less desirable” babies in utero are killed. This can be the result of the malicious practice of genetic- or sex-selection—a type of discrimination touted as one of the benefits of the IVF process.

AUL is also concerned with the increased medical risks to women from IVF through lack of research and full disclosure. For example, one study from 2022 found women who conceived with assisted reproductive technology were more likely than other mothers to experience “adverse obstetric outcomes” which included issues like acute kidney injury and placental abruption.²⁷

These practices are contrary to the pro-life movement. Embryonic children kept in an IVF facility deserve the same wrongful-death protection that preborn children in the womb enjoy under fetal homicide laws. No couple, regardless of their views on personhood, would be happy to learn their embryos were treated carelessly.

The Alabama Supreme Court acknowledged these truths in its ruling in *LePage* and required clinics to exercise commonsense care over the irreplaceable embryos in their charge. Yet in response to *LePage*, state legislators—even those who would consider themselves pro-life—made rash and swift legislative actions to protect IVF providers from any liability while completely disregarding the humanity of embryonic children and leaving IVF patients and parents without legal protection. It is misguided and against our pro-life stance to blindly support something without remembering to protect the innocent human lives impacted by the process.

²⁶ While AUL does not take a position on IVF as a practice, we do oppose embryo destruction as a life-ending activity, whether pre- or post-implantation. We do believe IVF can be a scientific good when used within the context of protecting life. AUL has had a Policy Guide and IVF model bill on file for almost three decades which lays out a more ethical way to practice IVF.

²⁷ Pensée Wu et al., *In-Hospital Complications in Pregnancies Conceived by Assisted Reproductive Technology*, 11 J. OF THE AM. HEART ASSOC. 58 (2022) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9075081/pdf/JAH3-11-e022658.pdf>.

V. AUL and the Courts

AUL's Quarterly Litigation Report, which summarizes all pro-Life and bioethics court activity in the nation, can be accessed [here](#).

Significant Supreme Court Action

The Supreme Court granted certiorari in *Medina v. Planned Parenthood South Atlantic*, a case concerning Medicaid defunding of Planned Parenthood. The case turns upon a question of statutory interpretation: whether the Medicaid Act's "choice of qualified provider" provision unambiguously confers upon a Medicaid beneficiary a private right to choose a specific provider. However, the case's outcome will reach broader questions of the public funding of authentic women's healthcare, as well as states' police powers to safeguard woman and unborn children from the abortion industry.

The Court is considering whether to review two bubble zone cases, *Turco v. City of Englewood, New Jersey* and *Coalition Life v. City of Carbondale, Illinois*. Both cases challenge the Supreme Court's 2000 decision in *Hill v. Colorado*, which upheld a law that prohibited sidewalk counselors from approaching or counseling a woman within an 8-foot floating bubble zone around her if she is within 100 feet of an abortion facility, even though the woman is on a public sidewalk. The cases raise issues about the First Amendment and women's informed consent counseling about life-affirming pregnancy options.

A petition for a writ of certiorari is pending in the Supreme Court in *Oklahoma v. Health and Human Services*. Oklahoma sued the U.S. Department of Health and Human Services after the agency suspended the state's Title X funding because Oklahoma objected to providing abortion referrals. The petition presents issues involving the Spending Clause and conscience protections under the Weldon Amendment.

State Court Litigation

Following the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, many abortion activists voluntarily dismissed their litigation in federal courts since *Dobbs* had mooted their underlying theories of a violation of a purported federal abortion right. Consequently, abortion activists filed new challenges in state courts to contrive state constitutional rights to abortion. Many of these cases are ongoing, but there are also challenges brought under new state constitutional amendments that protect abortion as a right.

Parties are briefing the Georgia Supreme Court and North Dakota Supreme Court, respectively, over whether the state constitution protects abortion in *State of Georgia v. SisterSong Women of Color Reproductive Justice Collective* and *Access Independent Health Services, Inc., d/b/a Red River Women's Health Clinic v. Wrigley*.

The New Mexico Supreme Court avoided the state constitutional question in *State of New Mexico ex rel. Raul Torrez v. Board of County Commissioners for Lea County*. Instead, the court determined that state statutes preempted certain pro-life ordinances.

State courts in Michigan and Missouri are grappling with the extent of the ballot initiatives that amended their states constitutions to protect abortion as a right. Abortion activists have challenged a variety of pro-life protections in those states, including health and safety laws and informed consent provisions, in *Northland Family Planning Center v. Nessel* and *Comprehensive Health of Planned Parenthood Great Plains v. State of Missouri*.

End-of-Life Cases

Disability rights advocates have appealed the dismissal of their case that challenges California's End of Life Option Act as unlawfully discriminating against persons with disabilities under the Americans With Disabilities Act in *United Spinal Association v. State of California*. The Ninth Circuit will hear oral argument in the case in March.

Parties are currently briefing the Third Circuit in *Govatos v. Murphy*. The case had challenged New Jersey's assisted suicide residency requirements under the Privileges and Immunities, Commerce, and Equal Protection Clauses, but the district court had granted the State's motion to dismiss.