

How Every State Pro-Life Law Handles Ectopic Pregnancy and Miscarriage



Texas police separate anti-abortion protestors from abortion supporters during the nationwide Women's March in Austin, Texas, October 2, 2021. (*Evelyn Hockstein/Reuters*)

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Cutting through the rampant misinformation

Since the Supreme Court overturned *Roe v. Wade*, supporters of legal abortion have leveled the false accusation that pro-life laws threaten pregnant mothers facing medical emergencies. In particular, abortion advocates claim that laws prohibiting abortion will make it more difficult or even impossible for women suffering from an ectopic pregnancy or a miscarriage to receive necessary treatment.

In an ectopic pregnancy, the fertilized egg implants somewhere outside the uterus, most commonly in the fallopian tube. In the absence of treatment, ectopic pregnancy can cause severe and life-threatening health consequences for the mother, because there isn't room for the child to develop. Miscarriage management, meanwhile, involves caring for a pregnant mother whose unborn child has died spontaneously. The standard of care for post-miscarriage treatment differs depending on how far along the pregnancy is.

Abortion supporters have argued that state abortion limits aren't clear about whether these types of health care are permitted — and they have argued that, as a result of this supposed lack of clarity, doctors have declined to perform necessary and potentially life-saving procedures out of fear of reprisal from officials enforcing state pro-life laws.

This is simply not the case. If doctors are doing so — and abortion supporters have offered little evidence of a systemic problem in this regard — it is the fault of the doctors themselves, not the fault of the pro-life laws, which are eminently clear. The pro-life worldview has always held that both lives matter, that of the mother *and* that of her

unborn child. It is always permissible to act to care for a pregnant mother whose life is at risk.

Neither miscarriage care nor treatment for ectopic pregnancy has anything to do with an induced-abortion procedure, which intentionally kills an unborn child. Every successful elective abortion has a single aim: to end the life of the child growing in his or her mother's womb. What's more, medical professionals acknowledge that induced abortion is [never medically necessary](#) to treat a pregnant mother; modern medicine can treat the mother without intentionally killing the child.

For instance, miscarriage care treats a woman whose unborn child has already died, and ectopic-pregnancy treatment removes an unborn child who cannot develop or survive, in order to save the life of the mother. Neither of these types of health care bears any resemblance to directly and intentionally killing the child. The only people confused about this — or pretending to be confused — are supporters of abortion on demand. And their aim is clear: to cause confusion for the sake of undermining pro-life laws.

To put a fine point on the issue: Until just last week, even the website of Planned Parenthood explicitly stated that ectopic-pregnancy treatment is not an abortion. But then the abortion business erased that clarifying information in an effort to perpetuate the tide of misinformation, intentionally blurring the lines between actual health care aimed at saving a mother's life and abortion procedures, which intend to cause the death of an unborn child.

Below is the text of every significant state abortion limitation as it pertains to exceptions for medical emergencies. Though not every law explicitly names ectopic pregnancy and miscarriage management, each is perfectly clear in its definition of abortion and clear about leaving room for doctors to act in cases of medical emergency. It's important to note that, while many laws do explicitly name these procedures, it is not necessary to do so in order for those types of treatment to remain legal.

Alabama

Alabama's pro-life law, known as the Human Life Protection Act, took effect when the Supreme Court overturned *Roe*. The bill prohibits all abortions except for in cases when the mother's life is at risk. Here's [the relevant text](#) of the law:

“An abortion shall be permitted if an attending physician licensed in Alabama determines that an abortion is necessary in order to prevent a serious health risk to the unborn child's mother.”

The bill defines “serious health risk to the unborn child's mother” as:

In reasonable medical judgment, the child's mother has a condition that so complicates her medical condition that it necessitates the termination of her pregnancy to avert her death or to avert serious risk of substantial physical impairment of a major bodily

function. This term does not include a condition based on a claim that the woman is suffering from an emotional condition or a mental illness which will cause her to engage in conduct that intends to result in her death or the death of her unborn child. However, the condition may exist if a second physician who is licensed in Alabama as a psychiatrist, with a minimum of three years of clinical experience, examines the woman and documents that the woman has a diagnosed serious mental illness and because of it, there is reasonable medical judgment that she will engage in conduct that could result in her death or the death of her unborn child.

The law also excludes the following from the definition of abortion:

Activities . . . done with the intent to save the life or preserve the health of an unborn child, remove a dead unborn child, to deliver the unborn child prematurely to avoid a serious health risk to the unborn child's mother, or to preserve the health of her unborn child. The term does not include a procedure or act to treat an ectopic pregnancy, nor does it include the procedure or act to terminate the pregnancy of a woman when the unborn child has a lethal anomaly.

Arizona

Arizona is [embroiled in a lawsuit](#) over whether the attorney general may reinstate a pre-*Roe* law that prohibits abortion except in cases in which a mother's life is at risk. The law explicitly excludes treatment for both ectopic pregnancy and miscarriage from the definition of abortion:

Abortion does not include birth control devices, oral contraceptives used to inhibit or prevent ovulation, conception or the implantation of a fertilized ovum in the uterus or the use of any means to save the life or preserve the health of the unborn child, to preserve the life or health of the child after a live birth, to treat an ectopic pregnancy or to remove a dead fetus.

Arkansas

The Arkansas abortion law currently in effect is [Act 180](#), the Arkansas Human Life Protection Act, which protects unborn children from abortion from the moment of conception with an explicit exception for medical emergencies when a mother's life is at risk. Here are the relevant sections of the law, which not only provides an exception to save a mother's life but also explicitly notes that treatment for miscarriage and ectopic pregnancy is not an elective abortion and therefore not governed by the law:

A person shall not purposely perform or attempt to perform an abortion except to save the life of a pregnant woman in a medical emergency. . . .

“Medical emergency” means a condition in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical

illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. . . .

An act under subdivision (1)(A) of this section is not an abortion if the act is performed with the purpose to: (i) Save the life or preserve the health of the unborn child; (ii) Remove a dead unborn child caused by spontaneous abortion; or (iii) Remove an ectopic pregnancy.

Florida

[Florida's abortion law](#) is currently under challenge from abortion advocates, but it is in effect during the legal proceedings. The bill prohibits abortions after 15 weeks, with exceptions for cases when a mother's life is in danger or she is at risk of substantial impairment, or cases when the unborn child is determined to have a "fatal fetal abnormality," defined as a condition that "will result in death upon birth or imminently thereafter." Here's the text of the exception:

(a) Two physicians certify in writing that, in reasonable medical judgment, the termination of the pregnancy is necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition.

(b) The physician certifies in writing that, in reasonable medical judgment, there is a medical necessity for legitimate emergency medical procedures for termination of the pregnancy to save the pregnant woman's life or avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition, and another physician is not available for consultation.

The law also explicitly notes that the definition of abortion does not include any action taken to produce a live birth or remove an unborn child who has died: "Abortion' means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus."

Georgia

Georgia has [a heartbeat law](#), which took effect in the wake of *Dobbs*, after a federal appeals court overturned a lower-court decision blocking the bill. The law prohibits abortions after a fetal heartbeat is detected, which usually takes place around six weeks into pregnancy. It provides exceptions for cases when a mother's life is at risk or she is at risk of substantial impairment. The bill also defines abortion to exclude post-miscarriage or ectopic-pregnancy treatment. Abortion is banned after a fetal heartbeat is detected unless:

(1) A physician determines, in reasonable medical judgment, that a medical emergency exists; (2) The probable gestational age of the unborn child is 20 weeks or less and the

pregnancy is the result of rape or incest in which an official police report has been filed alleging the offense of rape or incest. . . ; or (3) A physician determines, in reasonable medical judgment, that the pregnancy is medically futile.”

The bill defines medical emergency as “a condition in which an abortion is necessary in order to prevent the death of the pregnant woman or the substantial and irreversible physical impairment of a major bodily function of the pregnant woman.”

And the law explicitly notes, “Any such act shall not be considered an abortion if the act is performed with the purpose of: (A) Removing a dead unborn child caused by spontaneous abortion; or (B) Removing an ectopic pregnancy.”

Idaho

Idaho’s [abortion law](#) is a heartbeat bill, which prohibits abortion after the unborn child’s heartbeat has been detected. The law allows physicians to exercise medical judgment in cases in which the physician believes a woman’s life is at risk or when there has been a report of rape or incest. In such cases, the physician must use whatever procedure has the best chance of saving both the baby and the mother. The law offers an affirmative defense against prosecutions if:

The physician determined, in his good faith medical judgment and based on the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman. No abortion shall be deemed necessary to prevent the death of the pregnant woman because the physician believes that the woman may or will take action to harm herself. . . .

The law defines abortion as “the use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulations, fertilization or the implantation of a fertilized ovum within the uterus.”

Iowa

[Iowa’s abortion law](#), which will soon take effect, prohibits abortions after a fetal heartbeat can be detected, with exceptions for medical emergencies. It defines abortion as “the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus.”

Here’s the text of the exception language: “A physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician’s reasonable medical judgment, a medical emergency exists, or when the abortion is medically necessary.”

The law defines a “medical emergency” as:

A situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, but not including psychological conditions, emotional conditions, familial conditions, or the woman’s age; or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

And it defines “medically necessary” to include cases of rape reported within 45 days of the incident, cases of incest reported within 140 days of the incident, miscarriages that require follow-up care, and cases of fetal abnormality that the physician deems “incompatible with life.”

Kentucky

[Kentucky law](#) prohibits all abortions except in cases when a woman’s life is in danger or she is at risk of substantial impairment. It requires physicians to attempt to save the life of both mother and child, and it does not hold physicians responsible for unintentional harm to an unborn child caused in the course of treating the mother.

The law disallows abortion except “for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.” It also allows for “medical treatment provided to the mother by a licensed physician which results in the accidental or unintentional injury or death to the unborn human being.”

It defines abortion with the following text:

No person may knowingly: 1. Administer to, prescribe for, procure for, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing or abetting the termination of the life of an unborn human being; or 2. Use or employ any instrument or procedure upon a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn human being.

This language, coupled with the exception, leaves no room for reasonable doubt that doctors may care for women who have suffered a miscarriage or who have an ectopic pregnancy.

Louisiana

Louisiana’s [abortion law](#) is currently under challenge, but it aims to prohibit all abortions except in cases when a mother’s life is in danger or she is at risk of substantial impairment, though physicians are required to attempt to save both mother and baby.

The bill text provides that, “No person may knowingly administer to, prescribe for, or procure for, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing or abetting the termination of the life of an unborn human being. No person may knowingly use or employ any instrument or procedure upon a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn human being.”

And here’s the language of the exception:

It shall not be a violation . . . for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman. However, the physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with reasonable medical practice.

Medical treatment provided to the mother by a licensed physician which results in the accidental or unintentional injury or death to the unborn child is not a violation of Subsection C of this Section.

Michigan

Michigan has [a pre-Roe ban](#) on abortion, which faces legal challenge but is, as of this article, in effect. The law prohibits all abortions except those needed to save the mother’s life. The text provides that:

Any person who shall willfully administer to any pregnant woman any medicine, drug, substance or thing whatever, or shall employ any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, shall be guilty of a felony, and in case the death of such pregnant woman be thereby produced, the offense shall be deemed manslaughter.

Because the statute predates *Roe*, it uses the historical phrase “procuring miscarriage,” which in today’s medical terminology is called induced abortion. Miscarriage, as we use the word today, typically is referred to in the medical context as spontaneous abortion, in contrast to induced abortion.

Mississippi

Mississippi [prohibits all abortions](#) except in cases when a mother’s life is at risk or in cases of rape. The text provides that “no abortion shall be performed or induced . . . except in the case where necessary for the preservation of the mother’s life or where the pregnancy was caused by rape. For the purposes of this section, rape shall be an exception to the prohibition for an abortion only if a formal charge of rape has been filed with an appropriate law enforcement official.”

It also defines abortion explicitly as “the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead fetus,” as in instances of miscarriage management.

Missouri

Missouri’s abortion law, known as the [Right to Life of the Unborn Child Act](#), prohibits abortion except for cases when a mother’s life is at risk or she is in danger of substantial impairment. The bill gives an exception for medical emergency, which is defined as “a condition which, based on reasonable medical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman.”

The law defines abortion as any act that intends to destroy a living embryo or fetus, a definition that excludes treatment for an ectopic pregnancy. It also excludes any action taken to increase the likelihood of live birth or to provide care for a woman who has had a miscarriage.

North Dakota

[North Dakota law](#) prohibits all abortions except in cases of rape or incest or to save the life of the mother. The exception’s language states that abortion is permitted if it “was necessary in professional judgment and was intended to prevent the death of the pregnant female.”

The bill excludes from its definition of abortion any “act made with the intent to increase the probability of a live birth; preserve the life or health of a child after live birth; or remove a dead, unborn child who died as a result of a spontaneous miscarriage, an accidental trauma, or a criminal assault upon the pregnant female or her unborn child.”

Ohio

Ohio’s [heartbeat law](#) bans abortions after an unborn child’s heartbeat has been detected, with an exception for when a pregnant mother’s life is in danger or she is at risk of substantial impairment.

The law states that it “does not apply to a physician who performs a medical procedure that, in the physician’s reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.”

It defines abortion as “the purposeful termination of a human pregnancy by any person . . . with an intention other than to produce a live birth or to remove a dead fetus or embryo.”

Oklahoma

Oklahoma had provisions on the books such that, when *Roe* was overturned, nearly all of the state’s abortion laws were repealed, allowing the state’s pre-*Roe* abortion law to take effect. As a result, [Oklahoma now prohibits](#) all abortions unless a mother’s life is at risk. Here’s the text of the provision:

Every person who administers to any woman, or who prescribes for any woman, or advises or procures any woman to take any medicine, drug or substance, or uses or employs any instrument, or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years.

As with Michigan’s pre-*Roe* law, the phrase “procure a miscarriage” refers to induced abortion as opposed to the way we use the word “miscarriage” today referring to the unintended and spontaneous death of the unborn child.

South Carolina

South Carolina’s [heartbeat law](#) prohibits abortions after the unborn child’s heartbeat has been detected, with limited exceptions for cases of rape, incest, fetal anomaly, or medical emergency. The law defines action in the case of a medical emergency as “a medical procedure that, by any reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.”

The law defines abortion as “the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.”

South Dakota

South Dakota [prohibits abortion](#) except in cases when a mother’s life is in danger:

Any person who administers to any pregnant female or who prescribes or procures for any pregnant female any medicine, drug, or substance or uses or employs any instrument or other means with intent thereby to procure an abortion, unless there is appropriate and reasonable medical judgment that performance of an abortion is necessary to preserve the life of the pregnant female, is guilty of a Class 6 felony.

Tennessee

[Tennessee's heartbeat law](#) prohibits abortions after an unborn child's heartbeat has been detected, with an exception for cases when the mother's life is at risk or she is in danger of substantial impairment. In such cases, the physician is required to perform whatever procedure is most likely to protect the unborn child, without posing a greater risk to the mother.

Part of the law's exceptions language states:

It is an affirmative defense to prosecution . . . [that] the physician determined, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

The law also states that, "Medical treatment provided to the pregnant woman by a licensed physician which results in the accidental death of or unintentional injury to or death of the unborn child shall not be a violation of this section."

It defines abortion as "the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus."

Texas

Texas [prohibits abortion](#) except in cases when a mother's life is at risk or she is in danger of substantial impairment. Physicians are required to perform whatever procedure is most likely to protect the unborn child without posing a greater risk to the mother.

The law excludes abortions in which "in the exercise of reasonable medical judgment, the pregnant female on whom the abortion is performed, induced, or attempted has a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the female at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion is performed or induced."

The law contains explicit language stating that "an act is not an abortion if the act is done with the intent to: (A) save the life or preserve the health of an unborn child; (B) remove a dead, unborn child whose death was caused by spontaneous abortion; or (C) remove an ectopic pregnancy."

Utah

[Utah bans abortion](#) except in cases of reported rape or incest, a lethal fetal "defect," or when a mother is at risk of death or substantial impairment.

The exceptions language includes cases when “(a) the abortion is necessary to avert: (i) the death of the woman on whom the abortion is performed; or (ii) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed.”

The law defines abortion clearly but also explicitly notes that abortion does not include the “removal of a dead unborn child” or the “removal of an ectopic pregnancy.”

West Virginia

[West Virginia’s abortion law](#) is currently subject to a legal challenge, but when it takes effect, it will prohibit abortion except in cases when a mother’s life is in danger. Here’s the language of the bill:

Any person who shall administer to, or cause to be taken by, a woman, any drug or other thing, or use any means, with intent to destroy her unborn child, or to produce abortion or miscarriage, and shall thereby destroy such child, or produce such abortion or miscarriage, shall be guilty of a felony . . .

The exception language states: “No person, by reason of any act mentioned in this section, shall be punishable where such act is done in good faith, with the intention of saving the life of such woman or child.”

Wisconsin

[Wisconsin law](#) prohibits abortions except in cases when a mother’s life is in danger. The law states: “Any person, other than the mother, who intentionally destroys the life of an unborn child is guilty of a Class H felony.”

And the exceptions language: “This section does not apply to a therapeutic abortion which: (a) Is performed by a physician; and (b) Is necessary, or is advised by 2 other physicians as necessary, to save the life of the mother; and (c) Unless an emergency prevents, is performed in a licensed maternity hospital.”

Wyoming

Wyoming law [prohibits abortions](#) except in cases of rape or incest, or unless it is necessary to save a mother’s life or protect her from substantial impairment. Here’s the relevant language:

An abortion shall not be performed except when necessary to preserve the woman from a serious risk of death or of substantial and irreversible physical impairment of a major bodily function, not including any psychological or emotional conditions, or the pregnancy is the result of incest . . . or sexual assault.

The law defines abortion as “an act, procedure, device or prescription administered to or prescribed for a pregnant woman by any person with knowledge of the pregnancy, including the pregnant woman herself, with the intent of producing the premature expulsion, removal or termination of a human embryo or fetus, except that in cases in which the viability of the embryo or fetus is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion.”

Editor’s note: This article has been updated since its initial publication.