

1 HB261  
2 208887-1  
3 By Representatives Sorrell, Dismukes, Holmes, Wadsworth,  
4 Lipscomb, Estes, Brown (C), Bedsole, Hanes, Kiel, Fincher,  
5 Meadows and Mooney  
6 RFD: Judiciary  
7 First Read: 03-FEB-22

8 SYNOPSIS: This bill would ban non-surgical, chemical  
9 abortions in this state.

10 This bill would make it unlawful to  
11 manufacture, distribute, prescribe, dispense, sell,  
12 or transfer the "abortion pill," otherwise known as  
13 RU-486, Mifepristone, Mifegyne, or Mifeprex, or any  
14 substantially similar generic or non-generic  
15 abortifacient drug in this state.

16 This bill would also provide for criminal  
17 penalties for violations of this act.

18 Amendment 621 of the Constitution of Alabama  
19 of 1901, as amended by Amendment 890, now appearing  
20 as Section 111.05 of the Official Recompilation of  
21 the Constitution of Alabama of 1901, as amended,  
22 prohibits a general law whose purpose or effect  
23 would be to require a new or increased expenditure  
24 of local funds from becoming effective with regard  
25 to a local governmental entity without enactment by  
26 a 2/3 vote unless: it comes within one of a number  
27 of specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates  
2 funds, or provides a local source of revenue, to  
3 the entity for the purpose.

4 The purpose or effect of this bill would be  
5 to require a new or increased expenditure of local  
6 funds within the meaning of the amendment. If this  
7 bill is not enacted by a 2/3 vote, it will not  
8 become effective with regard to a local entity  
9 unless approved by the local entity or until, and  
10 only as long as, the Legislature appropriates funds  
11 or provides for a local source of revenue.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 Relating to abortion; to ban non-surgical, chemical  
18 abortions in this state; to provide criminal penalties for  
19 violations; and in connection therewith to have as its purpose  
20 or effect the requirement of a new or increased expenditure of  
21 local funds within the meaning of Amendment 621 of the  
22 Constitution of Alabama of 1901, as amended by Amendment 890,  
23 now appearing as Section 111.05 of the Official Recompilation  
24 of the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act shall be known and may be cited  
27 as the The Alabama Chemical Abortion Prohibition Act.

1                   Section 2. Legislative Findings.

2                   The Legislature finds and declares the following:

3                   (1) Alabama is committed to the sanctity of human  
4 life, from conception to natural death.

5                   (2) On November 6, 2018, electors in this state  
6 approved by a majority vote an amendment to the Constitution  
7 of Alabama of 1901, declaring and affirming the public policy  
8 of the state to recognize and support the sanctity of unborn  
9 life and the rights of unborn children, including the right to  
10 life.

11                   (3) The Constitution of Alabama of 1901, does not  
12 recognize the right to an abortion or require the funding of  
13 abortions through public funds.

14                   (4) Although unenforceable as a consequence of Roe  
15 v. Wade, abortion remains a crime in Alabama, as set forth in  
16 Section 13A-13-7, Code of Alabama 1975. Further, as set forth  
17 in Section 13A-6-1, Code of Alabama 1975, when referring to  
18 the victim of a criminal homicide or assault, the term  
19 "person" means "a human being, including an unborn child in  
20 utero at any stage of development, regardless of viability."  
21 The Human Life Protection Act is an Alabama law enacted on May  
22 15, 2019, to impose a near-total ban on abortion in this state  
23 beginning in November 2019, but a legal challenge to the bill  
24 has delayed implementation.

25                   (5) It is a matter of public policy in this state  
26 that abortion is not health care.

1           (6) Since Roe, the main method of abortion has been  
2 surgical, where a physician extracts the unborn child from a  
3 woman's body under anesthesia using surgical tools. Currently,  
4 however, nearly 40 percent of all abortions are performed  
5 through chemical abortion, which is the administration of  
6 drugs into a woman's body to produce miscarriage-like symptoms  
7 to abort the child. The process involves two different drugs,  
8 taken 24 to 48 hours apart. The first drug is Mifepristone,  
9 which is a progesterone blocker, blocking the hormone  
10 essential to maintaining a pregnancy. The second drug is  
11 Misoprostol, which induces the contractions that expel the  
12 fetal remains. This process can take up to 14 days to  
13 complete. Mifepristone is indicated almost exclusively for  
14 chemical abortions. Chemical abortions result in complications  
15 at a rate four times greater than the rate of complications  
16 with surgical abortions.

17           (7) Most recently, chemical abortion is being made  
18 available through the emerging tele-medicine industry, where a  
19 woman meets online with a physician, who may be in a different  
20 state; after an online assessment by the physician, she then  
21 is provided a prescription with which she may self-induce an  
22 abortion. Under these circumstances, the doctor-patient  
23 relationship is tenuous at best, physician assessment of the  
24 patient may be inadequate, and the physician is not available  
25 to assist in the event of complications such as pain,  
26 excessive and potentially life-threatening bleeding, allergic  
27 reactions, and infection.

1           (8) A chemical abortion is more cost effective for  
2 an abortion provider, as it allows significantly reduced  
3 overhead costs for facilities, professional staff,  
4 pharmaceuticals, and equipment.

5           Section 3. (a) It is unlawful for any person or  
6 entity to manufacture, distribute, prescribe, dispense, sell,  
7 or transfer the "abortion pill," otherwise known as RU-486,  
8 Mifepristone, Mifegyne, or Mifeprex, or any substantially  
9 similar generic or non-generic abortifacient drug in Alabama.

10           (b) A violation of this section is a Class C felony.

11           (c) No woman shall be charged or held criminally  
12 liable under this act for the death of her own unborn child by  
13 virtue of the use of an abortifacient drug.

14           (d) This act does not prohibit the sale, use,  
15 prescription, or administration of any contraceptive agent  
16 administered prior to conception or before a pregnancy can be  
17 confirmed through conventional medical testing.

18           (e) Any law that regulates or recognizes chemical  
19 abortion in this state that conflicts with this act is  
20 repealed. If this act is challenged and enjoined pending a  
21 final judicial decision, the existing laws and rules that  
22 regulate or recognize chemical abortion shall remain in effect  
23 during that time.

24           Section 4. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased  
26 expenditure of local funds, the bill is excluded from further  
27 requirements and application under Amendment 621, as amended

1 by Amendment 890, now appearing as Section 111.05 of the  
2 Official Recompilation of the Constitution of Alabama of 1901,  
3 as amended, because the bill prescribes the minimum  
4 compensation for public officials.

5 Section 5. This act shall become effective  
6 immediately following its passage and approval by the  
7 Governor, or its otherwise becoming law.