

**AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.**

To: Interested Persons
Date: February 2025
From: A. Eric Johnston
RE: Issues and Cases for 2025-Part II

We continue a review of potential issues for 2025. These are in addition to those listed in our January 2025 Educational Update. These are not meant to be all inclusive.

1. ABORTION DRUGS – About 63% of abortions are now done with drugs. The Alabama Human Life Protection Act (“AHLPA”) prohibits those abortions in Alabama. However, abortifacients come into the state principally from India and now, from eight other states with “shield” laws that will attempt to keep offenders from being extradited to Alabama. The best way to stop that is through a bill to regulate internet traffic and pay mechanisms. A bill was prepared last year to be filed in the Alabama Legislature by the Alabama Pro Life Coalition (“APLC”). See January 2024 Educational Update. However, other issues were obstacles to that filing. We expect this bill will be a priority in 2025. Another approach to this problem is by a lawsuit the Texas Attorney General filed against a New York abortion doctor who is sending abortifacients to women in Texas. This will test the strength of shield laws. This approach is complicated by the legalities of abortion being legal in some states and not in others, and the application of various constitutional provisions, such as the requirement that states give full faith and credit to the laws of other states.

2. INVITRO FERTILIZATION – APLC has made it clear that it does not oppose IVF. There are some in the prolife community that do not support IVF and that position is respected. As we have said numerous times, the Alabama pro life community does not oppose IVF. See April 2024 Educational Update. IVF, as with any medical procedure, must have a proper medical standard of care. Total civil and criminal immunity, which is the law of Alabama right now as a result of the 2024 statute, is not an example of our finest legal tradition. There must be reasonable regulation protecting the humanity of the embryo, reasonably informing parent’s rights, and avoiding Nazi-like experiments. While the Legislature may not want to address the issue in 2025, it must at some point in the future. The pro-life community is not the enemy of IVF. Those who continue to state or imply that have perhaps less than transparent motives.

3. CONTRACEPTION – Both in the U.S. Senate and in the Alabama House last year, bills were filed to protect contraceptive rights. This year, SB19 has been prefiled. The argument is contraception rights will be limited just as abortion rights are. Last year, we supplied an amendment to the bill to avoid having it affect abortion and limiting it to actual contraception. We believe this effort is a red herring meant to mislead and ultimately to cause issues with our abortion prohibition law. There is no move by anyone in Alabama to restrict contraceptive rights.

4. RAPE AND INCEST ABORTION EXCEPTIONS – Since passage of the AHLPA, bills have been filed to add rape and incest exceptions to the law. None have passed. HB50 has been prefiled for that purpose. What began as an early Republican compromise (in the 1980’s) as an attempt to stop abortion after *Roe v. Wade*, has now become an excuse to permit some abortions in spite of the humanity of the unborn child. APLC unanimously opposes this. Under Alabama’s Constitutional Amendment protecting the unborn, these exceptions would be unconstitutional, since they would take the life of a protected unborn person. Legislators should consider facts that mitigate against this. Perhaps the biggest problem is putting healthcare professionals in a position of having to determine whether to make a police report and start the criminal justice process. With such an exception, a woman can claim rape or incest even after some delay and when it would therefore be impossible to determine if there was a physical trauma which indicated one of these had taken place. Unless it was a brutal rape judged by the doctor, how can the truth be discerned? In fact, the Alan Guttmacher Institute (Planned Parenthood’s research arm) has found in several studies (1987 and 2004) that only 1% of rape and less than .05% of incest result in pregnancy. A later study by another group suggested that even those numbers are high saying .3% for rape and .03% for incest. See, www.JohnstonArchive.net/policy/abortion/abreasons. Also, only about 30% of rapes are ever reported.

5. Assisted Suicide – There is renewed worldwide effort to legalize assisted suicide. Suicide itself is not a crime, since there’s no one to prosecute. But to assist a person can be murder. Withholding life sustaining procedures, *e.g.* ventilators, or food and hydration through a tube done in accordance with the advance directive for healthcare law under proper medical guidance is not suicide. The UK just passed a law allowing assisted suicide now joining eight other countries and ten U.S. States. In 2017, Alabama passed a law criminalizing assisted suicide. See, §§22-8B-1, et seq, Code of Alabama. Beginning in about 2015, there have been renewed efforts to legalize procedures to allow assisted suicide. We are not aware of any renewed effort in Alabama, but Legislators should be aware of this renewed interest.

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