

APLC

ALABAMA PRO-LIFE COALITION, INC.

To: Interested Persons
Date: March 2025
From: A. Eric Johnston
RE: Abortion Drugs and Related Issues in Alabama-update

The Alabama Human Life Protection Act (“AHLPA”) prohibits both surgical and drug induced abortions. How can these be stopped when the drugs are ordered via the internet from outside the country or another state? Is prosecution for murder of a mother who aborts her child reasonable? Will Republicans drop the ball and let abortionists win the war?

Alabama has the strongest abortion prohibition law in the nation. Surgical and chemical abortions are prohibited, but the law can be skirted by women since abortifacients can be ordered and paid for over the internet. Initially, drugs were being ordered from India and China. Last year, several states enacted “shield laws,” meaning they would not honor an extradition request from Alabama for someone who was shipping such drugs into the state in violation of the AHLPA. States are constitutionally required to give “full faith and credit” to the laws of the sister states. These shield laws will be constitutionally challenged. We expect to extradite these criminals in the future. But, this will not stop our-of-country drugs coming to Alabama.

Alabama should proceed with a law to stop the out-of-state and out-of-country drugs from coming into Alabama. We expect a bill to do just that will be filed this session.

In the meantime, there are those who want to amend Alabama’s murder statute to require prosecuting mothers for aborting their children. We expect bills to do this will soon be filed. This is an obviously Levitical stance and one with which we sympathize for the benefit of the children. However, for many of the reasons explained in this memo, the issue is not so simple and easily resolved. APLC, along with all national prolife organizations, have always viewed women as much the victim of abortion as the children. That is why we have supported many laws through the decades to improve women’s healthcare and help them avoid abortion, and that is why we exempt them from prosecution under AHLPA. The law recognizes mitigating circumstances and we as Christians must also. We must resolve this the right way.

This issue is further complicated by the Biden Administration’s order for the FDA to mail abortion drugs to all 50 states. That is being challenged in court and we believe SCOTUS will prohibit this order. We are optimistic the Trump Administration will reverse the current FDA position. How can the average citizen make sense of this? Should a woman be charged with murder for an abortion with all of this legal and political conflict?

Abortion is an incredibly complex and multi-faceted issue. While prolife agree life begins at conception, and the taking of the unborn child’s life by abortion is murder, the issue is clouded by 50 years of legal abortion in all states and approximately one half of the states now continuing to allow abortion. What about protecting women? Almost three generations of women have been taught that abortion is legal. Now, not being lawyers or politicians, and abortions being legal in other places, most women will be confused and must be educated and given support. Pregnancy Resource Centers are valuable resources for this. That is why APLC supports an Alabama \$10,000,000 tax credit bill for contributions to PRCs. This bill will soon be filed.

Additionally, a bill to criminalize mothers would face very difficult enforcement provisions. It would put doctors in the position of having to report what they believe to be an abortion. To explain, if a woman ordered abortifacients over the internet, consumed them and encountered medical problems, which is often the case, she would present at an emergency room for assistance. The doctor would need to determine if she was having a miscarriage or an abortion. This distinction cannot be made in that context. Significantly, that doctor will bear the burden of making a decision which will affect the rest of that woman’s life. More than likely, what will happen in such an instance, is that the woman will not seek medical care. She will be afraid of prosecution. She will stay home and may die. That is probably the real truth of the death of a woman in Georgia several months ago, which pro abortion advocates claimed was a result of prolife laws.

We support the bill to regulate internet orders and sales of abortifacients. That will keep the drugs from coming into the state in violation of the AHLPA. That will close the loophole that permit women to skirt the law.

At the same time, we support the bill to provide tax credits for Pregnancy Resource Centers. Rather than criminalize women, funds will be available to minister to women in need and provide them with much better alternatives, and a future, rather than possible prison sentences.

The strength of the AHLPA is only as good as the next generation of legislators. Maintaining the politics of abortion is a difficult and continuing job. If the prolife community treats mothers as murderers, we may very well see the repeal or dilution of the AHLPA.

APLC’s efforts in Alabama have always been calculated, reasonable, and timely. We have never pushed fruitless efforts. After thirty-five years, our goal remains to stop abortion and help women and families. There is no light switch to simply do that. We must all work patiently together through complicated issues and long cumbersome processes.

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