

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

To: Interested Persons
Date: January 2026
From: A. Eric Johnston
RE: What Affect has the Alabama Human Life Protection Life Act Had

In 2019, the Alabama Legislature passed and the Governor signed into law the Alabama Human Life Protection Act (“AHLPA”). At the time, it was not enforceable because the SCOTUS *Roe v. Wade* opinion still permitted abortion. However, in 2022, the case of *Dobbs v. Jackson Women’s Health Organization* held *Roe* was wrongfully decided and that abortion may be regulated by each state. Some states have regulated or prohibited abortion, while others permit it at any time. On June 24, 2022, the date of the *Dobbs* decision, the case enjoining the Alabama law was dismissed and AHLPA went into affect. The definition in the AHLPA of abortion is

“ABORTION. The usual prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child.”

There are very limited exceptions dealing with an ectopic pregnancy and the serious health risk to the mother of a substantial physical impairment of a major bodily function. This is a definition used by the pro-life community for decades and is very limited in its application. Because of the seriousness of the abortion and the taking of unborn life, the violation of the law is a Class A felony. The first offense is ten years and then after that to life. The only greater penalty in Alabama law is capital punishment. Therefore, the law treats an abortion with the utmost seriousness.

With these things in mind, what is the present state of abortion in Alabama? We have written several times about our concern with the abortion pills that come into Alabama through the mail. Abortion by these pills is included in the definition quoted above. The pills come from some of the sister states and from out of the country. Some states have “shield laws” that prohibit extradition of persons there who sends pills to Alabama in violation of our law. Pills coming from out of the country cannot be stopped by our laws. To see how easy it is to order an abortion pill, simply google as follows: lifeeasyonpills.co/product/abortion-pill-combipack/. If you order from this website, no prescription or doctor order is required and all that you must do is provide payment information.

A bill has been introduced in the last two sessions of the Alabama Legislature to prohibit internet sales of these abortifacients. They made little progress because of various factors. We expect the bill to be reintroduced early in the upcoming 2026 Legislative Session which begins in January. We will provide further information on that bill when it has been filed. Should it become law, it will not only restrict sales from within the United States, but from anywhere in the world.

In the meantime, we have received the latest abortion reporting statistics from the Alabama Department of Public Health (“ADPH”). For 2024, the ADPH report listed five “abortion clinics” reporting and only one of them reported any abortions. The Alabama Women’s Center for Reproductive Alternatives reported three “medication abortions.” It is curious that only one facility reported repeat abortions. This is particularly true since the penalty for doing abortions is a Class A felony. Because Alabama treats the crime so seriously, we believe it is appropriate for every reported abortion to be investigated. To our knowledge, there has been no investigation of these three abortions, although we reported it to the State Attorney General’s office for consideration. We believe future enforcement of the AHLPA must be done seriously. Hopefully, the internet prohibition law will go into effect and will be enforced. Also, when abortions are reported, every one of them should be investigated. This chore can fall to the local District Attorney’s Office or to the Attorney General’s Office. For that reason, we call on those District Attorney’s who have “abortion clinics” still in their jurisdictions, to follow-up on the reports when they are made each year to ADPH.

We also call upon the Alabama Attorney General’s office to oversee these inquiries. Abortion still remains a significant political issue although we have the AHLPA. Currently, we have an Attorney’s General’s race with three candidates, *viz.*, Katherine Robertson, Jay Mitchell, and Pam Casey. Both Robertson and Mitchell have publicly declared their opposition to abortion. We can find no public position or information for Casey. Each candidate should be asked whether they will vigorously enforce the AHLPA. We recognize many laws are not rigorously enforced, particularly with their political overtones. However, again noting the penalty is a Class A felony, this recognizes the seriousness of the crime. If there is to be deterrence from those who would violate the law, they must know it will be enforced.

Since *Dobbs*, we have seen the development of the many facets of the abortion issue. With our strong Alabama law, we need to address the availability of the abortion pill and see to the enforcement of the law. It is no time to rest on laurels. As we go into this new legislative and political candidates year, we hope these officials will recognize the need to be sure the loopholes are closed and the law is enforced.

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