

# Telemedicine Abortion Prohibitions

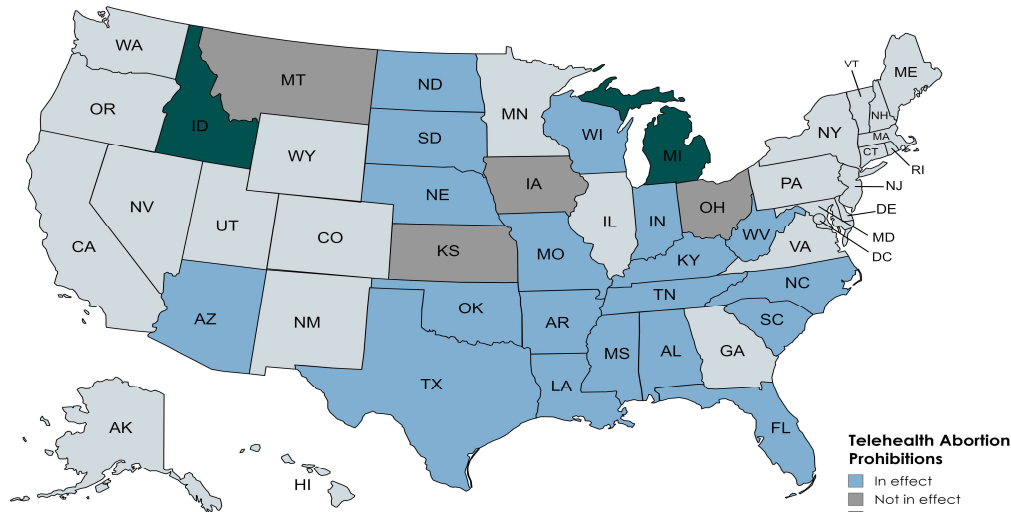
May 1, 2024

“Telemedicine” abortions are chemical abortions done via a video conferencing system where the abortionist is in one location and talks with a woman, who is in another location, over a computer video screen. The abortionist never sees the woman in person because they are never actually in the same room.

Twenty-five (25) states have enacted laws requiring abortionists to be physically present in the same room as the woman when administering a chemical abortion. Of those enacted laws, 19 laws are in effect; 4 are not in effect (Iowa\*, Kansas\*, Montana\*, and Ohio\*); 2 have been repealed/expired (*Idaho and Michigan*).

\*Enjoined

## States with Telemedicine Abortion Prohibitions



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State Legislation Department  
[stateleg@nrlc.org](mailto:stateleg@nrlc.org)



## Telemedicine Abortion Prohibitions

STATE	STATUS	WHAT THE LAW DOES
Alabama Code of Ala. § 26-23E-7 (2013)	In effect	Only a physician may give, sell, dispense, administer, or otherwise prescribe an abortion-inducing drug. The physician giving, selling, dispensing, administering, or otherwise providing or prescribing the abortion-inducing drug must first examine the pregnant woman in person. Any person other than a physician who performs or attempts to perform an abortion, including the prescription, dispensing, or administration of abortion-inducing drug, shall be guilty of a Class C felony.
Arizona Ariz. Rev. Stat. Ann. §36-3604 (2011)	In effect	Telemedicine may not be used to provide abortions.
Arkansas A.C.A. § 20-16-603	In effect	When mifepristone or another drug or chemical regimen is used to induce an abortion, the initial administration of the drug or chemical shall occur in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient.
Florida Fla. Stat. Ann. § 456.47; Fla. Stat. Ann. § 390.0111	Effective May 1, 2024	Requires in-person performance of an abortion by a physician and prohibits the use of telehealth for an abortion.
Idaho <i>To be codified as: Idaho Code Ann. §§ 18-617 to 18-621</i>	<i>Repealed</i>	<i>No physician shall give, sell, dispense, administer, prescribe or otherwise provide an abortifacient for the purpose of effecting a chemical abortion unless the physician: has examined in person the woman to whom the abortifacient is administered to determine the medical appropriateness of such administration and has determined that the abortifacient is sufficiently safe for use in the gestational age at which it will be administered. The state entered into a stipulation agreement to repeal the existing law and the case has now been dismissed. Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Wasden et al., Case No. 1:15-cv-00557-BLW (D. Idaho March 31, 2016).</i>
Indiana Burns Ind. Code Ann. § 16-34-2-1 (a)(1)(C) (2013)	In effect	A physician shall examine a pregnant woman in person before prescribing or dispensing an abortion inducing drug. As used in this subdivision, "in person" does not include the use of telehealth or telemedicine services.
Iowa 653 IAC 13.10 (147,148,272C) (2013)	Enjoined	When inducing an abortion by providing an abortion-inducing drug, a physician must be physically present with the woman at the time the abortion-inducing drug is provided. A court declared this law unconstitutional in <i>Planned Parenthood of the Heartland, Inc. v. Iowa Bd. of Med.</i> , 865 N.W.2d 252, 267 (Iowa 2015).

STATE	STATUS	WHAT THE LAW DOES
Kansas K.S.A. § 65-4a10 (2011)	Enjoined	Only a licensed physician shall perform or induce an abortion. RU-486 (mifepristone) or any drug used to induce an abortion must be administered by or in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug to the patient. This law was permanently enjoined in <i>Hodes &amp; Nauser v. Norman</i> , No. 2011-CV-1298 (Kan. Dist. Ct., 2021).
Kansas Kan. Stat. Ann. § 40-2-215	Not in effect	Nothing in the Kansas telemedicine act shall be construed to authorize the delivery of any abortion procedure via telemedicine. Temporarily restraining order issued in <i>Trust Women Foundation, Inc. v. Schmidt</i> , 509 P.3d 599 (Kan. Ct. App. 2022).
Kentucky KRS § 311.728	In effect	A physician performing or inducing an abortion shall be present in person and in the same room with the patient. The use of telehealth as defined in Section 4 of this Act shall not be allowed in the performance of an abortion.
Louisiana La. Rev. Stat. Ann. § 40:1061.11	In effect	When a drug or chemical is used for the purpose of an abortion, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.
Michigan MCL § 333.17017	Expired	<i>A physician may not prescribe a chemical abortion without first physically examining the patient. The physician shall be physically present at the location of the chemical abortion when the prescription drug is used to initiate chemical abortion. This law expired on December 31, 2018. In 2018, the legislature passed a web cam prohibition, but the Governor vetoed it.</i>
Mississippi Miss. Code Ann. § 41-41-107 (3) (2016)	In effect	When any drug or chemical is used for the purpose of inducing an abortion, the drug or chemical must be administered in the same room and in the physical presence of the physician who gave, sold, dispensed or otherwise provided or prescribed the drug or chemical to the patient.
Missouri § 188.021 R.S.Mo. (2013)	In effect	When any drug or chemical is used for the purpose of inducing an abortion, the drug or chemical must be administered in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient.
Montana Mont. Code Ann. §§ 50-20-701 through 50-20-714	Enjoined	The qualified medical practitioner providing an abortion-inducing drug shall examine the woman in person. Permanent injunction issued in <i>Planned Parenthood of Montana v. State</i> , No. DV-21-00999, (13th Jud. Dist., Yellowstone Cty., Mont. Feb. 29, 2024).
Nebraska Neb. Rev. Stat. § 28-335(2)	In effect	No abortion shall be performed, induced, or attempted unless the physician is physically present in the same room.
North Carolina N.C. Gen. Stat. § 90-21.83A	In effect	The physician prescribing, dispensing, or otherwise providing any drug or chemical for the purpose of inducing an abortion shall be physically present in the same room as the patient when the first drug or chemical is administered to the patient.

STATE	STATUS	WHAT THE LAW DOES
North Dakota N.D. Cent. Code, § 14-02.1- 03.5 (2013)	In effect	When an abortion-inducing drug or chemical is used for an abortion, it must be administered by or in the same room and in the physical presence of the physician who prescribed it. In January 2015, the North Dakota Supreme Court denied a rehearing allowing the law to go into effect. <i>MKB Management Corp. v. Burdick</i> , 2014 N.D. 197 (2014).
Ohio Ohio Rev. Code Ann. § 2919.124	Enjoined	No physician shall personally furnish or otherwise provide an abortion-inducing drug to a pregnant woman unless the physician is physically present at the location where the initial dose of the drug or regimen of drugs is consumed at the time the initial dose is consumed. Enjoined in: <i>Planned Parenthood Sw. Ohio Region v. Dewine</i> , 2019 U.S. App. LEXIS 26855 (6th Cir., Sept. 4, 2019). The United States Supreme Court declined to take the case in <i>Yost v. Planned Parenthood Southwest Ohio Region</i> , 2020 U.S. LEXIS 3520 (U.S., July 2, 2020).
Oklahoma 63 Okl. St. § 1- 729.1  <i>63 Okl. St. § 1- 729a(D)</i>	In effect  Enjoined	When an abortion-inducing drug or chemical is used for an abortion, it must be administered by or in the same room and in the physical presence of the physician who prescribed it. This law remains in effect. <i>Regulates the sale and distribution of RU-486, by following FDA protocols. Permanently enjoined in Oklahoma Coal. for Repr. Just. v. Cline</i> , No. CV-2011-1722 (Okla. Dist. Ct. May 11, 2012).
South Carolina S.C. Code Regs. 61-12, Part II	In effect	A physician must remain on the premises until all patients are stable, and are ready for discharge. A physician must sign the discharge order and be readily accessible and available until the last patient has been discharged.
South Dakota S.D. Codified Laws § 34-23A-56 (2012)	In effect	No physician may have the pregnant mother sign consent for the abortion on the day of this initial consultation. No physician may take a signed consent from the pregnant mother unless the pregnant mother is in the physical presence of the physician and except on the day the abortion is scheduled.
South Dakota S.D. Codified Laws § 36-4-47	In effect	Prohibits chemical abortion by telemedicine, increases the penalty for the unlicensed practice of medicine when performing a chemical abortion.
Tennessee <i>Tenn. Code Ann. § 63-6-241(2011)</i>	Repealed	This law was repealed in 2021 with the passage of HB 2416, the “Tennessee Abortion-Inducing Drug Risk Protocol Act.” <i>No physician shall perform or attempt to perform any abortion, including a chemically induced abortion or shall prescribe any drug or device intended to cause a chemical abortion, except in the physical presence of the pregnant woman. No drug or device intended to cause a chemical abortion shall be administered or dispensed to a pregnant woman except in the physical presence of her physician.</i>
Tennessee Tenn. Code Ann. §§ 63-6-1101 to 63-6-1108	In effect	A qualified physician providing an abortion-inducing drug shall examine the patient in person and prior to providing an abortion-inducing drug.

STATE	STATUS	WHAT THE LAW DOES
Texas Tex. Health & Safety Code § 171.063	In effect	A person may not knowingly give, sell, dispense, administer, provide, or prescribe an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion unless the protocols authorized by the United States Federal Drug Administration are satisfied.
West Virginia W. Va. Code § 30-3-13a(g)(5)	In effect	A physician or health care provider may not prescribe any drug with the intent of causing an abortion under their telemedicine law.
Wisconsin Wis. Stat. Ann. § 253.105	In effect	No person may give an abortion-inducing drug to a woman unless the physician who prescribed, or otherwise provided, the abortion-inducing drug for the woman: (a) Performs a physical exam of the woman and (b) Is physically present in the room when the drug is given to the woman. Complaint filed by <i>Planned Parenthood of Wisconsin vs. J.B. Van Hollen, et al</i> , No. 12-cv-913-bbc (U.S. Dist. Ct., W.D. Jan. 7, 2013). Complaint was dismissed in its entirety in <i>Planned Parenthood of Wis., Inc. v. Schimel</i> , 2016 WI App 19 (Wis. Ct. App. 2016).