

# Trends in Criminalization and Legal Rights for Pregnant People: 2024-2025 Legislative Sessions in Review

Pregnancy Justice tracked bills introduced during the 2024-2025 legislative cycle to identify trends that have the potential to increase the criminalization of pregnant people or that undermine pregnant people's personhood. Pregnancy Justice also tracked legislation intended to enhance the safety, dignity, or privacy of pregnant people. This includes bills that seek to give fertilized eggs, embryos, and fetuses legal protections or otherwise use "fetal personhood" language, and bills that

seek to criminalize the behavior of pregnant people or criminalize pregnancy outcomes including abortion, stillbirth, or miscarriage.

The 2024-2025 legislative cycle included an alarming number of bills that threaten the safety and well-being of pregnant people across the United States. There were some positive trends, however, including several bills that center the needs of pregnant people who have substance use disorder, and other bills that affirm the rights of pregnant people.

## Noteworthy Legislative Patterns:

Dangerous and Harmful	Forward Moving and Helpful
<ul style="list-style-type: none"><li>Multiple legislative attempts to treat abortion as homicide and prosecute women and pregnant people</li><li>Bills designed to increase the scrutiny of pregnant people's conduct</li><li>Bills to hide harmful "fetal personhood" language within otherwise popular public policy measures.</li><li><b>Bills that legitimize enhanced legal rights for fertilized eggs, embryos, and fetuses through civil suits or child support became law.</b></li></ul>	<ul style="list-style-type: none"><li>Increased recognition of the opioid crisis's impact on pregnant people,</li><li>Bills designed to increase trust between healthcare providers and pregnant patients.</li></ul>

Bills that sought to make abortion seekers criminally liable for homicide used identical language across states, indicating that some of the most harmful bills introduced are a part of coordinated efforts spearheaded by anti-abortion organizations.<sup>1</sup> These organizations work in concert with lawmakers to expand the reach of discriminatory ideology and codify harsh laws that endanger the health, safety, and autonomy of pregnant people.

### Threats of Abortion as Homicide, Handcuffs for Pregnant People

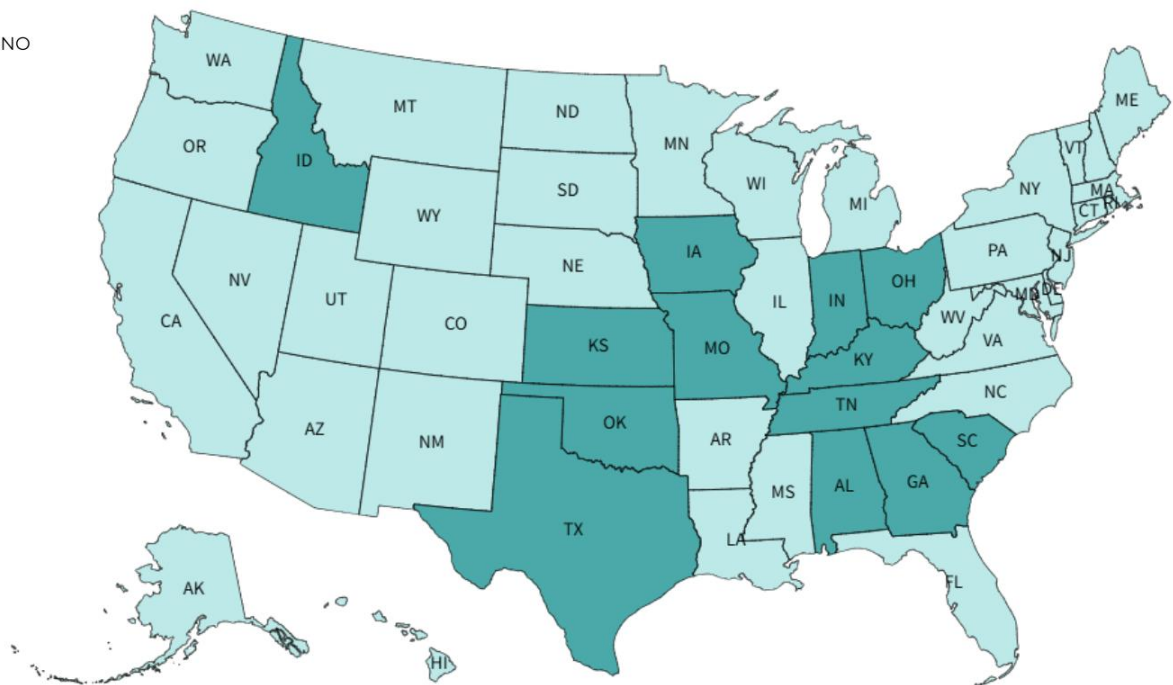
**Fifteen states introduced bills that**

**would have prosecuted pregnant women and pregnant people for homicide if they had an abortion. Fourteen failed to pass this session so far.** Ohio's session is still ongoing, and the bill is pending at the time of publication. **In 12 of those states, if those bills were to have passed, a person convicted of abortion-related homicide could have faced the death penalty.** While existing criminal laws have been used to prosecute people for their pregnancy-related conduct or pregnancy outcome, the "abortion as homicide" bills threatened to move the needle to even further extremes.<sup>2</sup>

### Weaponizing the Cherished and Sacred: Racial Justice and Religious Language

**Was there a bill introduced to weaponize equal protection principles against pregnant people?**

Legend ■ YES ■ NO



In many of the states in which bills were introduced that would treat obtaining an abortion as criminal homicide, lawmakers misapplied language from the Reconstruction Amendments to justify their efforts.<sup>3</sup> The Fourteenth Amendment of the U.S. Constitution, which was ratified at the end of slavery, has historically been a cherished legal framework used to defend the civil rights of people of color. Lawmakers introduced **16 bills this legislative cycle using language related to giving “equal protection” under the law to fertilized eggs, embryos, or fetuses.** Those 16 bills include 12 “abortion as homicide” bills, bills that would permit wrongful death lawsuits for abortion, and bills that would codify the idea that a state must provide the same civil rights protections to fertilized eggs, embryos, and fetuses that a state theoretically offers living persons. One example, the Georgia Prenatal Equal Protection Act, HB 441, explicitly referenced the Fourteenth Amendment but **failed to pass.**<sup>4</sup> Bills in Iowa and Ohio also quoted the Fourteenth Amendment of the U.S. Constitution.<sup>5</sup>

Iowa introduced two bills that attempted to give legal rights to fertilized eggs, embryos, and fetuses, HF 453 and HF 666. Iowa HF 453 invoked religion explicitly in the preamble, “[r]ecogniz[ing] that [innocent human life, created in the image of God, should be equally protected under the law from fertilization to natural death.](#)” (Emphasis added). Iowa HF 666 described life as beginning at

fertilization and described abortion as “a murderous act of violence.” Alabama’s “equal protection” bill included almost identical religious language, invoking God to support legislation that would invite criminal prosecutions of abortion seekers.<sup>6</sup> Despite a successful ballot referendum to protect reproductive rights, Montana lawmakers introduced a [bill invoking the Fourteenth Amendment](#) of the U.S. Constitution as a justification for codifying legal rights for persons “beginning at any stage of development” which would have implications for in-vitro fertilization (IVF).<sup>7</sup> Kansas introduced a bill that referenced the Fourteenth Amendment in order to criminalize abortion, the bill included the destruction of fertilized embryos in the context of fertility treatment within the definition of abortion.<sup>8</sup>

In addition to explicit references to the Fourteenth Amendment to the U.S. Constitution, lawmakers introduced bad-faith weaponization of race and racism in statutory language; **Arkansas legislators passed legislation** to prohibit “race-selective abortion” despite the bill sponsor Senator Penzo having no evidence that such abortions have happened or are happening.<sup>9</sup> While the bill sponsors claimed the bill was designed for equal treatment of fetuses based on race, the bill was opposed by all of the Black state senators.<sup>10</sup>

## Hide Attempts to Give Embryos and Fetuses Legal Rights Within Popular Policy

Charging abortion seekers with homicide remains deeply unpopular among U.S. voters.<sup>11</sup> As a result, politically savvy lawmakers have tried to mislead the public by attaching pregnancy criminalization and “fetal personhood” language to otherwise popular concepts, like expanding child tax credits to “the unborn.” The public may support, for example, expanding child tax credits, without fully understanding the implication of such a bill. Anti-abortion lawmakers know that their ideology is unpopular, even in traditionally conservative states, so they often hide “fetal personhood” language in otherwise uncontroversial bills and include threats to pregnant people in places that the average voter would not expect.

For example, this year, Texas lawmakers introduced a bill to allow pregnant people to drive in high occupancy vehicle (HOV) lanes, giving credence to the idea that fetuses are the same as an additional person sitting in the passenger seat.<sup>12</sup>

**That bill failed**, however the likely intent is to introduce as many inflammatory ideas as possible, to see what might pass. **Lawmakers introduced 5 bills that would allow people to bring wrongful death claims or civil suits on behalf of a fetus against an individual who caused the loss of their pregnancy. Two of those bills passed, in Louisiana and Idaho.**<sup>13</sup> Oklahoma's SB 989 did not pass

this session, but it would have allowed civil suits to be filed against any third party who manufactures, mails, distributes, transports, delivers, or provides abortion-inducing drugs for the wrongful death or injury of the “unborn.” SB 989 also attempted to delegitimize transgender birth parents.<sup>14</sup> Iowa's HB 453 would have allowed for civil lawsuits for the wrongful death of the “unborn” at any stage of development, by referencing both the Fourteenth Amendment and religious principles.<sup>15</sup> While creating an opportunity to bring wrongful death claims for grieving parents may appear to be benevolent, it is a strategic attempt to further embed rights and status to fertilized eggs, embryos, and fetuses in state law, and position lawmakers who oppose those bills as unsympathetic to grieving parents.

**Kansas lawmakers passed a law, over the governor's veto, that requires child support payments to begin at conception.** This law requires [child support payments for any pregnancy-related medical expense](#), except abortion.<sup>16</sup> While increased support for healthcare expenses may be viewed as a benefit, this benefit is now attached to the legal recognition of personhood at conception. **Five states introduced bills that would have initiated child support payments at “conception.”**<sup>17</sup>

Child tax credits [are popular by wide margins at the state](#) and federal level.<sup>18</sup> As a result, many voters will not recognize

that the bills that include the “unborn” as dependents for child tax credits are thinly veiled attempts to codify legal rights for fertilized eggs, embryos, and fetuses, rather than efforts to offer government support for people during their pregnancies. **Three states introduced measures that would have allowed taxpayers to count embryos and fetuses as dependents.**<sup>19</sup> In stark contrast, these lawmakers often fail to support actual pro-family measures, including expanded access to healthcare for pregnant and postpartum people, universal childcare, or a strengthened social safety net for low-income families.

### Strategy for Dignity and Autonomy: Informed Consent Bills and Protections for Postpartum Patients

New York and Tennessee introduced bills that would require healthcare professionals to simply talk with their patients and obtain consent before drug testing pregnant and postpartum people and their newborns. Obstetricians and pediatricians alike have made clear that there is often no medical need for drug tests during prenatal visits, labor, or delivery.<sup>20</sup> Instead, the best practices include increasing trust between pregnant patients and their healthcare providers to achieve healthier birth outcomes. Those bills would have prevented newborns from being taken from their parents by family policing agencies in response to a positive drug test. The New York State bill, the Maternal

Health, Dignity, and Consent Act progressed through both houses of state legislature, and for the first time, passed out of the Senate Women’s Issues and Senate Health committees. If one of these bills makes further progress and passes the next cycle, it can set the stage for more states to follow the recommendations of top hospitals and [practitioners](#), honoring the rights of pregnant people beginning with [informed consent](#).<sup>21</sup>

In response to the opioid crisis that has touched every part of the United States, **North Dakota lawmakers passed a bill that allows healthcare professionals to not report positive drug tests, if the patient agrees to and complies with a drug treatment plan.**<sup>22</sup> While there should be vigilance around coercive tactics that require specific drug treatments, or interfere with the bodily autonomy of pregnant people, to the extent that this new law can keep families together, it is a legislative win.<sup>23</sup> As a caveat, in some states, pregnant people have a difficult time identifying and accessing effective treatment, even when they would like to. Texas lawmakers introduced a similar bill, HB 330, that would have permitted mandatory reporters to not report if a patient voluntarily discloses their use of criminalized substances during pregnancy, Texas HB 330 failed.<sup>24</sup> At the end of December 2024, Massachusetts Governor Healey [signed into law](#) a bill package focused on addressing the



impact of the opioid crisis on families. The omnibus bill included a commitment to developing changes for healthcare providers working with pregnant people navigating substance use and infants who have been exposed to substances.<sup>25</sup>

**Washington State [passed SB 5093](#) which removes miscarriages and abortions from the coroner's jurisdiction and provides privacy for families navigating pregnancy loss.**

The Washington bill offers care and privacy, in comparison to rhetoric that emerged this year from West Virginia, where a county prosecutor pontificated on the idea of

inviting law enforcement involvement after stillbirths and miscarriages, some of the most private and vulnerable moments in a person's life.<sup>26</sup> Pregnant people should be able to have the same legal rights and privacy as everyone else, yet some states allow pregnancy to be used to override a person's advanced directive and end-of-life wishes.<sup>27</sup> To provide full legal rights to pregnant people, **Washington State also passed HB 1215, which removes the sentence from the state advanced directive form that nullified the form for pregnant people.**<sup>28</sup>

**By the numbers:** Bills in bold red are harmful bills that passed, in bold black are helpful bills that passed.

Bills containing language giving embryos and fetuses legal rights or protections – with criminal implications	22	AL (HB 518), AL (SB 32), GA (HB 441), ID (SB 1059), IN (HB 1334), IA (HB 453), KS (HB 2010), KS (2171), KY (HB 523), KY (HB 316), ME (LD 975), MA (HD 1871), MO (HB 111), NC (HB 804), ND (HB 1373), OK (SB 884), OK (SB 456), OK (HB 1008), SC (SB 323), SC (HB 3537), TX (HB 2197), OH (HB 370)
Bills containing equal language protection (e.g., explicitly names or quotes the 14 <sup>th</sup> Amendment, Equal Protection Clause)	16	AL (HB 518), GA (HB 441), ID (SB 1059), IN (HB 1334), IA (HB 453), KS (HB 2171), KY (HB 523), MO (HB 111), OK (SB 456), SC (HB 3537), TX (HB 2197), OH (HB 370)  Bills Using Equal Protection – Without Abortion as Homicide:  KS (HB 2010), MO (619), IA (HB 666), TN SB 194 / HB 26)

Abortion as homicide bills	15	AL (HB 518), GA (HB 441), ID (SB 1059), IN (HB 1334), IA (HB 453), KS (HB 2171), KY (HB 523), MO (HB 111), OK (SB 456), SC (HB 3537), TX (HB 2197), OH (HB 370)  Abortion as homicide – without Equal Protection language:  ME (LD 975), NC (HB 804), ND (HB 1373)
Bills contain “fetal personhood” language for civil liability purposes, including wrongful death lawsuits	11 (5 wrongful death bills)	Wrongful death bills: IA (HB 453), KS (HB 2171), SC (SB 323), FL (HB 1517 / SB 1284), OK (SB 989)  Other civil liability bills: <b>ID (SB 1171), LA (HB 575)</b> , MT (HB 316), RI (SB 64), <b>AK (SB 591)</b> , IA (HB 666)
Child support starts at conception	5	<b>KS (HB 2062)</b> , MT (HB 288), MS (HB 880), TX (HB 1671), VA (HB 1985)
Fetuses are eligible for tax credits/qualify as dependents	3	IN (SB 303), MI (HB 4202), OH (HB 87)
Criminalize drug use in pregnancy	2	OK (SB 2737), OK (SB 1750)
Informed consent bills	2	NY (SB 845 / AB 860), TN (SB 1039 / HB 1102)
Bills related to mandatory reporting of substance use in pregnancy	5	AZ (SB 1655), NM (HB 343), <b>ND (SB 2232)</b> , TX (HB 330), VA (HB 2742)
Bills related to supporting pregnant people using substances	2	NY (SB 7513 / AB 6368), IL (HB 1451)
Bills explicitly limiting access to in-vitro fertilization or assistive reproductive technology	3	KS (HB 2010), TX (HB 1084), TX (SB 2447 / HB 3132)
Bills designed to protect in-vitro fertilization or carve out exemptions for IVF under abortion prohibitions	8	OK (HB 1117), <b>CO (HB 1259)</b> , NJ (SB 3491 / AB 4656), NC (SB 383/HB 473), SC (SB 40/HB 365), NC (HB 76), MO (HB 1004), TX (HB 1254)

## What Happens Next?

The failure of the “abortion as homicide” bills might offer a false sense of relief, but many of the lawmakers were likely aware that their bills were too extreme to pass this session, and they introduced them anyway, to desensitize voters and make other harsh measures seem less frightening. Many of the bills that did not pass will be reintroduced in January 2026. When they are reintroduced, they may adjust their language and carve out exceptions and defenses for murder charges under the “coercion” framework,

a popular refrain from lawmakers hoping to find a way to pass their bills.<sup>29</sup> The bills must continue to be recognized for what they are, extreme, harsh, and discriminatory. There may be more bills designed to criminalize conduct during pregnancy, modeled after Oklahoma’s medical marijuana bills, HB 1750 and HB 2737, which attempted to add criminal penalties and child neglect investigations for medical marijuana use during pregnancy.<sup>30</sup> These bills only increase stigma for the people who navigate substance use and subject pregnant people to different legal frameworks than everyone else.



## Endnotes

<sup>1</sup> Foundation to Abolish Abortion, Legislation, <https://faa.life/states>, 2025

<sup>2</sup> Wendy A. Bach & Madalyn Wasilczuk, *Pregnancy as a Crime: A Preliminary Report on the First Year After Dobbs*, Pregnancy Justice (2024), <https://www.pregnancyjusticeus.org/wp-content/uploads/2024/09/Pregnancy-as-a-Crime.pdf>

<sup>3</sup> U.S. CONST. amends. XIII, XIV, XV.

<sup>4</sup> H.B. 441, 158th REG. SESS. (Ga. 2025)

<sup>5</sup> H.F. 453, 91st REG. SESS. (Iowa 2025), H.B. 370, 136TH REG. SESS. (Ohio 2025)

<sup>6</sup> H.B. 518, 2025 REG. SESS. (Ala. 2025)

<sup>7</sup> H.B. 316, 69th REG. SESS. (Mont. 2025)

<sup>8</sup> H.B. 2010, 2025 REG. SESS. (Kans. 2025)

<sup>9</sup> ARKANSAS LEGISLATURE, *Arkansas House of Public Health, Welfare, and Labor Committee Meeting*, at 11:18: 35, (Harmony, Apr. 15, 2025) <https://sg001-harmony.sliq.net/00284/Harmony/en/PowerBrowser/PowerBrowserV2/20250415/-1/31108?gefdesc=&startposition=20250415111835>

<sup>10</sup> ARKANSAS LEGISLATURE, SB 591 Floor Vote, April 9, 2025, SB591 Senate Vote - Arkansas State Legislature

<sup>11</sup> Steve Inskeep & Domenico Montanaro, *Poll: Americans Overwhelmingly Reject Criminalization of Abortion, Divided on Other Issues*, NAT'L PUB. RADIO (Apr. 3, 2024), <https://www.npr.org/2024/04/03/1242451899/poll-americans-overwhelmingly-reject-criminalizing-abortion-divided-on-other-iss>.

<sup>12</sup> H.B. 2462, 89th REG. SESS. (Tex. 2025)

<sup>13</sup> H.B. 575, 2025 REG. SESS. (La. 2025), S.B. 1171, 68th REG. SESS. (Idaho 2025)

<sup>14</sup> S.B. 989, 60th REG. SESS. (Okla. 2025)

<sup>15</sup> H.F. 453, 91st REG. SESS. (Iowa 2025)

<sup>16</sup> H.B. 2062, 66th LEG. REG. SESS. (Kan. 2024)

<sup>17</sup> H.B. 2062, 66th LEG. REG. SESS. (Kan. 2024), H.B. 288, 69TH REG. SESS. (Mont. 2025), H.B. 880, 2025 REG. SESS. (Miss. 2025), H.B. 1671, 89th REG. SESS., (Tex. 2025), H.B. 1985, 406th REG. SESS. (Va. 2025)

<sup>18</sup> *Public Opinion on the Child Tax Credit*, ECON. SEC. PROJECT (Sep. 12, 2022), see also Abby Springs, *Voters Support an Expanded Child Tax Credit*,

*Oppose Corporate Tax Decreases*, DATA FOR PROGRESS (Jan. 24, 2024),

<https://www.dataforprogress.org/blog/2024/1/24/voters-support-an-expanded-child-tax-credit-oppose-corporate-tax-decreases>.

<sup>19</sup> S.B. 303, 125th Reg. Sess. (Ind. 2025), H.B. 4202, 2025 REG. SESS. (Mich. 2025), H.B. 87, 136th REG. SESS. (Ohio 2025).

<sup>20</sup> See PREGNANCY JUSTICE, *Legislative Briefing: Maternal Health, Dignity, and Consent Act*, at 27:22, 29:00 (YouTube, May 15, 2025), <https://youtu.be/nWuZaB1Kft8?feature=shared&t=1643>.

<sup>21</sup> Martha Bebinger, *Some Mass. hospitals stop infant welfare reporting based solely on drug dependence*, WBUR (Apr. 3, 2024), <https://www.wbur.org/news/2024/04/03/mass-general-brigham-newborn-drug-policy>; see also Soc'y for Maternal-Fetal Med. et. al, *Society for Maternal-Fetal Medicine Position Statement: Decriminalization of Substance Use Disorder in Pregnancy*, PREGNANCY, Jul. 2025, [https://assets.noviams.com/novi-file-uploads/smfM/Publications\\_and\\_Guidelines/Position\\_Statements/Pregnancy\\_-\\_2025\\_-\\_Society\\_for\\_Maternal\\_Fetal\\_Medicine\\_Position\\_Statement\\_\\_Decriminalization\\_of\\_substance\\_use\\_disorder.pdf](https://assets.noviams.com/novi-file-uploads/smfM/Publications_and_Guidelines/Position_Statements/Pregnancy_-_2025_-_Society_for_Maternal_Fetal_Medicine_Position_Statement__Decriminalization_of_substance_use_disorder.pdf); Stephen W. Patrick et. al, *A Public Health Response to Opioid Use in Pregnancy*, PEDIATRICS, Mar. 2017, <https://publications.aap.org/pediatrics/article/139/3/e20164070/53768/A-Public-Health-Response-to-Opioid-Use> in?autologincheck=redirected#:~:text=informed%20consent%20should%20occur%20at%20the%20time%20of%20drug%20testing%20and%20a%20woman%20should%20be%20informed%20how%20a%20positive%20test%20result%20will%20be%20used%20for%20both%20medical%20treatment%20and%20reporting%20to%20child%20welfare%20agencies.

<sup>22</sup> S.B. 2232, 69th Leg. Reg. Sess. (N.D. 2025)

<sup>23</sup> Drug Policy Alliance, *The Drug Treatment*

*Debate: Why Accessible and Voluntary Treatment Wins Over Forced*, (September 2024), <https://drugpolicy.org/resource/report-the-drug-treatment-debate-why-accessible-and-voluntary-treatment-wins-out-over-forced/>, see also, Dan Werb et al., *The Effectiveness of Compulsory Drug Treatment: A Systematic Review*, 28 Int'l J. Drug Pol'y 1 (2016).

<sup>24</sup> H.B. 330, 89TH REG. SESS. (Tex. 2025)

<sup>25</sup> H.B. 5143, 193rd Leg. Reg. Sess. (Mass. 2024)

<sup>26</sup> Jen Christensen, *A West Virginia prosecutor is warning women that a miscarriage could lead to criminal charges*, CNN (June 6, 2025),

<https://www.cnn.com/2025/06/06/health/miscarriage-criminal-charges>.

<sup>27</sup> *Pregnancy Exceptionalism: A Review of Restrictions on Advance Directives*, PREGNANCY JUSTICE (June 16, 2025),

[https://www.pregnancyjusticeus.org/wp-](https://www.pregnancyjusticeus.org/wp-content/uploads/2025/06/advanced-directives.pdf)

[content/uploads/2025/06/advanced-directives.pdf](https://www.pregnancyjusticeus.org/wp-content/uploads/2025/06/advanced-directives.pdf).

<sup>28</sup> H.B. 1215, 69th Leg., Reg. Sess. (Wash. 2025).

<sup>29</sup> Jessica Valenti, *Conservatives Are Trying Out a Wild New Legal Tactic*, ABORTION EVERY DAY (Nov. 27, 2024),

<https://jessica.substack.com/p/conservatives-are-trying-out-a-wild#:~:text=that%20anti%20abortion%20activists%20were%20ramping%20up%20their%20language%20around%20coercion%20because%2C%20they%20said%2C%20%E2%80%9Cno%20one%20is%20openly%20in%20favor%20of%20coerced%20abortions.%E2%80%9D%20It%20was%20an%20especially%20important%20move%20in%20a%20moment%20when%20Americans%20are%20so%20overwhelmingly%20pro%2Dchoice%3B%20they>.

<sup>30</sup> H.B. 1750 60th REG. SESS. (Okla. 2025), H.B. 2737 60th REG. SESS. (Okla. 2025)