



DEFENDING LIFE 2014: The Women’s Protection Project
 Evaluation Criteria
 (Maximum Possible: 100 Points)

Note: States receive credit for an enforceable law only, not for laws enacted but later enjoined by a court or otherwise deemed unenforceable.

	<i>Maximum Points</i>
I. WOMEN’S PROTECTION PROJECT	25 pt.
A. 5-Month Abortion Limitation	3 pt.
1. Maternal health basis/includes maternal health findings	2 pt.
2. Fetal pain basis/findings	1 pt.
B. Laws Ensuring Fully Informed Consent	4 pt.
1. Basic informed consent requirements (e.g., mandatory counseling as to risks of procedure and gestational age of unborn child)	2 pt.
2. Reflection period (of any length)	1 pt.
3. Criminal or civil penalties for noncompliance	1 pt.
C. Abortion Clinic Regulations	7 pt.
1. Abortion clinic regulations	5 pt.
a. Regulates clinics like ambulatory surgical facilities	5 pt.
b. Comprehensive, abortion-specific regulations	3 pt.
c. Regulates performance of post-first trimester abortions	1 pt.
2. Requires abortion clinics to be licensed by state agency	1 pt.
3. Requires abortion providers to maintain hospital admitting privileges	1 pt.
a. State-wide requirement	1 pt.
b. County-specific requirement	.5 pt.
D. Regulation of Abortion-Inducing Drugs/RU-486	3 pt.
1. Bans “telemed” abortions	1 pt.

2.	Other specific regulations for administration	2 pt.
a.	Requires compliance with FDA-approved protocols	2 pt.
b.	Minimal administrative requirements	1 pt.
E.	Parental Involvement for Minors	5 pt.
1.	Parental involvement law	3 pt.
a.	Parental consent law	3 pt.
b.	Parental notice law	2 pt.
c.	Parental notice “encouraged”	1 pt.
2.	Any enhancements of parental involvement requirements	1 pt.
3.	Criminal or civil penalties for noncompliance	1 pt.
F.	Child Protection Act	3 pt.
1.	Abortion clinic personnel are mandatory reporters of abuse	1 pt.
2.	Requirement to retain physical evidence from minor’s abortion	1 pt.
3.	Penalizes efforts to circumvent parental involvement laws	1 pt.
II.	OTHER ABORTION-RELATED LAWS	25 pt.
A.	State Funding Limitations	9 pt.
1.	Public/taxpayer funding of abortion	2 pt.
a.	Consistent with federal Hyde Amendment	2 pt.
b.	In cases of rape, incest, fetal abnormalities, and/or threats to woman’s life or health	1 pt.
c.	Public funding in most cases (<i>e.g.</i> , “medical necessity”)	-2 pt.
2.	Has defunded abortion providers (including Planned Parenthood)	1 pt.
3.	Law opting out of federal abortion mandate (in healthcare law)	1 pt.
4.	Prohibition on use of state funds for abortion counseling and/or referrals	1 pt.
5.	Prohibition on use of state facilities for abortions	1 pt.
6.	Prohibition on abortion (insurance) coverage for state employees	1 pt.
7.	Prohibition on private insurance coverage for abortion	1 pt.
8.	Prohibition on the “commingling” of family planning funding with funds used to provide abortions, abortion counseling, and/or abortion referrals	1 pt.
B.	State Constitutional Right to Abortion, State Freedom of Choice Act, and Life-Affirming Preamble	4 pt.
1.	State FOCA and/or state constitutional right to abortion	3 pt.
a.	Has no state FOCA and does not recognize state constitutional right to abortion	3 pt.
b.	Has state FOCA and/or recognizes state constitutional right to abortion	-3 pt.

2.	Has enacted life-affirming Preamble	1 pt.
C.	Abortion Bans/Limitations	4 pt.
1.	Enforceable pre- <i>Roe</i> ban or a “delayed enforcement” ban	1 pt.
2.	State ban on partial-birth abortion	1 pt.
3.	Ban on post-viability abortions	1 pt.
4.	Ban on sex-selective abortions	1 pt.
D.	Enhanced Informed Consent Requirements	3 pt.
1.	Ultrasound requirement	1 pt.
2.	Counseling on fetal pain	1 pt.
3.	Coercion prohibition/information	1 pt.
E.	Other Abortion Provider Requirements	3 pt.
1.	Physician-only law	1 pt.
2.	Abortion reporting requirements	2 pt.
a.	General Reporting	1 pt.
	(1) Information on surgical and nonsurgical abortions	1 pt.
	(2) Information on surgical abortions only	.5 pt.
b.	Any reporting on complications	1 pt.
F.	Support for Pregnancy Resource Centers (PRCs)	2 pt.
1.	Provides direct funding to PRCs	1 pt.
2.	Offers “Choose Life” license plates (with proceeds going to PRCs)	1 pt.
3.	Any anti-PRC regulation	-1 pt.
III.	LEGAL RECOGNITION OF UNBORN AND NEWLY-BORN	10 pt.
A.	Unborn Victims of Violence/Fetal Homicide	3 pt.
1.	Recognizes unborn child at any stage of gestation as potential homicide victim	3 pt.
2.	Recognizes unborn child later in gestation (but before viability) as potential homicide victim	2 pt.
3.	Recognizes unborn child after viability as potential homicide victim	1 pt.
4.	Provides enhanced penalties for assaulting pregnant woman and/or causing miscarriage, stillbirth, or “damage to pregnancy” only	.5 pt.
B.	Protection for Unborn Children from Nonfatal Assaults	1 pt.

C.	Prohibits Wrongful Life & Wrongful Birth Lawsuits	2 pt.
1.	Wrongful life lawsuits	1 pt.
a.	Prohibits or limits wrongful life lawsuits	1 pt.
b.	Allows wrongful life lawsuits	-1 pt.
2.	Wrongful birth lawsuits	1 pt.
a.	Prohibits or limits wrongful birth lawsuits	1 pt.
b.	Allows wrongful birth lawsuits	-1 pt.
D.	Recognizes Wrongful Death (Civil) Action for Death of Unborn Child	2 pt.
1.	Allows suits before viability	2 pt.
2.	Allows suits only after viability	1 pt.
E.	Born-Alive Infant Protection (BAIPA)	1 pt.
1.	Provides protection at any stage of development	1 pt.
2.	Provides protection after viability and/or only protects child from “deliberate acts” by physician	.5 pt.
F.	“Baby Moses”/Abandoned Infant Protection	1 pt.
IV.	BIOETHICS	20 pt.
A.	Human Cloning	4 pt.
1.	Bans all forms of human cloning	4 pt.
2.	Affirmatively permits any type of human cloning	-4 pt.
B.	Stem Cell Research	6 pt.
1.	Destructive embryo research (DER)	4 pt.
a.	Bans at least some forms/methods of DER	4 pt.
b.	Bans “fetal experimentation” only	2 pt.
c.	Expressly allows/promotes any form of DER	-4 pt.
2.	Encourages/promotes ethical alternatives to DER (e.g., adult stem cells, iPS, or cord blood)	2 pt.
C.	State Funding of Stem Cell Research	6 pt.
1.	Funding of human cloning and/or DER	4 pt.
a.	Prohibits or restricts state funding of cloning/DER	4 pt.
b.	Funds cloning/DER	-4 pt.
2.	Funds any ethical alternatives to DER	2 pt.

D.	Assisted Reproductive Technologies & IVF	3 pt.
1.	Limits number of embryos that may be implanted during each cycle of treatment	1 pt.
2.	Requires informed consent for IVF procedure and storage/disposition of unused embryos	1 pt.
3.	Any other regulation of ART/IVF procedures or practitioners	1 pt.
E.	Maintains life-affirming law related to embryo adoption/donation of embryos	1 pt.
V.	END-OF-LIFE	5 pt.
	Assisted Suicide	5 pt.
1.	Statutory prohibition on assisted suicide	5 pt.
2.	Common-law prohibition of assisted suicide	3 pt.
3.	Requires physicians to counsel patients on how to commit suicide and to provide prescriptions for patients who decide to commit suicide	-1 pt.
4.	No law prohibiting assisted suicide	-3 pt.
5.	Law permitting assisted suicide	-5 pt.
VI.	HEALTHCARE FREEDOM OF CONSCIENCE	15 pt.
A.	Protects Individual Healthcare Freedom of Conscience	5 pt.
1.	Provides protection for all healthcare providers for all procedures/services	5 pt.
2.	Provides protection for some healthcare providers for all procedures/services	4 pt.
3.	Provides protection for all or some healthcare providers for specific services (most commonly, abortion and sterilization)	3 pt.
4.	Provides protection for some healthcare providers for abortion only	1 pt.
5.	Compels any healthcare provider (including pharmacists) to provide any procedure/service	-5 pt.
B.	Protects Institutional Healthcare Freedom of Conscience	5 pt.
1.	Provides protection for all healthcare institutions for all procedures/services	5 pt.
2.	Provides protection for some healthcare institutions for all procedures/services	4 pt.
3.	Provides protection for some healthcare institutions for abortion and other specified procedures/services	3 pt.
4.	Provides protection for some healthcare institutions for abortion only	1 pt.

5. Compels any healthcare institution (including pharmacies) to provide any service in violation of its conscience -5 pt.

C. Protects Insurers' Freedom of Conscience 5 pt.

1. Provides protection from covering/paying for all procedures/services 5 pt.
2. Provides protection from covering abortion/abortion-inducing drugs only 3 pt.
3. Compels any insurer to provide any coverage in violation of its conscience -5 pt.