

HB611 INTRODUCED



1 HB611
2 G3BY46C-1
3 By Representative Kiel
4 RFD: Judiciary
5 First Read: 24-Apr-25



SYNOPSIS:

This bill would prohibit Internet service providers, cell phone service providers, and content delivery networks from accepting or forwarding any HTTP request to an application that permits a person to obtain abortion producing drugs.

This bill would prohibit persons offering abortion producing drugs from enrolling any person as a customer in a system providing information technology that permits a person to obtain abortion producing drugs for delivery in the state.

This bill would prohibit certain information technology providers from allowing its product or capabilities to be used for the sale or delivery of abortion producing drugs in the state.

This bill would prohibit physical data centers from hosting any information technology capabilities that may be used for the sale or delivery of abortion producing drugs in the state and would prohibit payment providers from facilitating payment for the delivery of an abortion producing drug.

This bill would provide that a first violation for any provider or service is a Class C felony and a second or subsequent violation is a Class B felony.

This bill would require Internet service



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29 providers and cell phone service providers to prohibit
30 and remove certain domain names and IP addresses known
31 to offer the sale or delivery of abortion producing
32 drugs, and would authorize the Attorney General to
33 continuously monitor the Internet to identify such
34 domain names and IP addresses.

35 This bill would provide that a person who
36 provides an abortion producing drug through domain
37 names or IP addresses in violation of this act is
38 guilty of a Class A felony if use of the drug results
39 in an abortion and a Class C felony in all other
40 circumstances.

41 This bill would require the Attorney General to
42 maintain a civil action for certain violations of this
43 act seeking an injunction and a \$10,000 fine.

44 This bill would require 50 percent of any fine
45 collected by the Attorney General to be deposited in
46 the Attorney General's general operating account and
47 would require the Attorney General to fund grants to
48 qualifying Alabama Pregnancy Resource Centers with the
49 remaining 50 percent.

50 This bill would provide affirmative defenses to
51 violations of this act if the defendant was unaware of
52 the unlawful violation and takes certain action to
53 prevent the violation.

54 This bill would provide certain service
55 providers with immunity from liability relating to
56 certain actions to restrict access to or availability



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of information relating to abortion producing drugs and certain actions relating to the denial of service to persons who provide elective abortions or manufacture, distribute, or arrange payment for abortion producing drugs.

This bill would also authorize a woman who received an abortion producing drug, her husband, her child, her parent, or her sibling to have a cause of action against any information content provider, Internet computer service provider, provider of an abortion producing drug, or person for wrongful death of an aborted child.

A BILL

TO BE ENTITLED

AN ACT

Relating to abortion producing drugs; to prohibit Internet service providers, cell phone service providers, and content delivery networks from accepting or forwarding HTTP requests to any application that permits a person to obtain abortion producing drugs; to prohibit certain persons from enrolling customers in an information technology system that permits a person to obtain abortion producing drugs for delivery; to prohibit certain information technology providers, physical data centers, and payment providers from allowing their products or capabilities to be used to



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facilitate the sale or delivery of abortion producing drugs; to require Internet service providers and cell phone service providers to block certain domain names known to sell abortion producing drugs; to authorize the Attorney General to maintain civil actions and collect fines for a violation; to provide for the allocation of the fine; to provide criminal penalties; to provide affirmative defenses; to authorize certain individuals to bring a cause of action for wrongful death of an aborted child; and to provide certain service providers with immunity from liability.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) In 2019, Alabama enacted The Alabama Human Life Protection Act, now appearing as Chapter 23H of Title 26, Code of Alabama 1975, which prohibits abortion, including certain exceptions.

(2) On June 24, 2022, the United States Supreme Court's ruling in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) overruled the cases of *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833 (1992), returning to the states the right to prohibit, regulate, or permit abortion.

(3) On June 24, 2022, a pending federal lawsuit against The Alabama Human Life Protection Act was dismissed and the law went into effect and has remained in effect since that date.

(4) As a result of the *Dobbs* decision, abortion is



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prohibited, regulated, or permitted to various extents in the sister states.

(5) The Human Life Protection Act at Section 26-23H-5, Code of Alabama 1975, provides that no woman upon whom an abortion is performed or attempted to be performed in Alabama shall be criminally or civilly liable.

(6) While the State of Alabama cannot regulate abortion or related activities in other states, including the dispensing of abortion producing drugs, it can prohibit the occurrence of those activities within the state, including the delivery of abortion producing drugs into the state.

(7) Abortion producing drugs are sent into the State of Alabama by individuals or entities through commercial or private means to be used to induce abortions in Alabama in violation of The Alabama Human Life Protection Act. Some of those providers are in jurisdictions beyond the legal authority of the state, such as India and China. Other providers may be in sister states that have shield laws that may prohibit extradition to the State of Alabama.

(8) Persons seeking abortion producing drugs are required or expected to order, pay for, and obtain the drugs through various mechanisms, including Internet service providers.

(9) It is not the intent of this act to restrict or prohibit the speech of any person for his or her position on abortion.

(10) It is the intent of this act to prohibit and criminalize the actions of those who facilitate, produce,



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provide, or send abortion producing drugs into the State of Alabama, including those who transact payment for the drugs.

Section 2. (a) Unless otherwise defined in subsection (b), the terms used in this act have the same meaning as provided in Section 26-23H-3, Code of Alabama 1975.

(b) For the purposes of this act, the following terms have the following meanings:

(1) CELL PHONE SERVICE PROVIDER. A person providing Internet-enabled services via a cell phone or other mobile device to residents or businesses in the State of Alabama.

(2) CNAME PREFIX. A string of characters appearing in an Internet address as a prefix before the domain name.

(3) CONTENT DELIVERY NETWORK PROVIDER or CDN PROVIDER. A person providing security-related routing and load-balancing services to a website.

(4) CUSTOMER. A resident of the State of Alabama obtaining goods or services via the Internet.

(5) DOMAIN NAME. A string of characters identifying a website to users, suffixed with a recognized top-level domain. The term "top-level domain" includes, but is not limited to, .com, .co, .org, and .net.

(6) FULLY QUALIFIED DOMAIN NAME. An address, inclusive of a cname prefix and the domain name.

(7) HEALTH CARE PROVIDER. A person providing health care products, services, or both products and services to residents of the State of Alabama.

(8) HOSTNAME. The name of a device connected to a computer network.



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(9) HTTP REQUEST or HTTPS REQUEST. Textual information formatted in accordance with Hypertext Transfer Protocol (HTTP) or Hypertext Transfer Protocol Secure (HTTPS) and sent from a computing device connected to the Internet to a domain name service requesting identified Internet-hosted resources to be returned via the Internet to the connected device.

(10) INFORMATION TECHNOLOGY CAPABILITIES. The physical and logical provision of information technology, including each of the following:

a. APPLICATIONS. Typically, websites hosted on one or more servers to provide end users with services. Applications may be presented as websites in a browser or as applications downloadable to an Internet connected cell phone or computer.

b. DATABASES. Software operating in an operating system for the purpose of storing data.

c. NETWORKING. Physical information technology equipment, including routers, switches, cables, power supplies, and other related equipment.

d. OPERATING SYSTEMS. Software under which all other functionality of a single server is executed.

e. PHYSICAL DATA CENTERS. The facilities, including land, buildings, and utilities provided to them, in which information technology equipment is situated.

f. SECURITY. Software operating in an operating system for the purpose of protecting against attack and otherwise coordinating with other servers to provide quality of service.

g. SERVERS. Physical computer machines designed to be integrated together into a network and connected to storage



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devices.

h. STORAGE. Information technology equipment used to store data-at-rest including, but not limited to, on a CD, DVD, or hard disc drive.

i. VIRTUALIZATION. Software running on servers which allows for multiple virtual machines such that one physical server can support multiple virtual servers.

(11) INFORMATION TECHNOLOGY PROVIDER. A person engaged in the business of providing information technology capabilities to customers. The providers are categorized in the following manner:

a. ENTERPRISE INFORMATION TECHNOLOGY. All aspects of information technology capabilities are owned and maintained by a health care provider doing business in or into the State of Alabama.

b. INFRASTRUCTURE-AS-A-SERVICE (IaaS). The information technology provider manages the virtualization, servers, storage, networking, and physical data center. These resources are made available to the PaaS and SaaS customers who manage the other aspects of information technology capabilities.

c. PLATFORM-AS-A-SERVICE (PaaS). The information technology provider manages all aspects of the information technology capabilities except the application, which is managed by the SaaS provider.

d. SOFTWARE-AS-A-SERVICE (SaaS). The information technology provider manages all aspects of information technology capabilities and presents an application to end users for e-commerce purposes.



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(12) INTERNET PROTOCOL ADDRESS or IP ADDRESS. A unique sequence of numbers by which a device is uniquely identified on the Internet.

(13) INTERNET SERVICE PROVIDER (ISP). A person providing Internet connectivity to businesses and residents in the State of Alabama.

(14) PAYMENT PROVIDER. A person brokering payment for products or services, or both, to residents of the State of Alabama.

(15) PERSON. An individual or entity.

Section 3. (a) Except as provided in subsection (b):

(1) No Internet service provider serving persons in the State of Alabama may accept or forward any HTTP request to an IP address at which is addressed an application that permits any person to obtain abortion producing drugs for delivery in the State of Alabama.

(2) No cell phone service provider serving persons in the State of Alabama may accept or forward from its domain name service servers any HTTP request to an IP address at which is addressed an application that permits any person to obtain abortion producing drugs for delivery in the State of Alabama.

(3) No content delivery network provider may accept or route any HTTP request to an IP address at which is addressed an application that permits any person to obtain abortion producing drugs in the State of Alabama.

(4) No person offering abortion producing drugs may enroll any person as a customer in any system providing



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information technology which permits the person to obtain abortion producing drugs for delivery in the State of Alabama.

(5) No software-as-a-service provider may allow its SaaS product or service to offer for sale any abortion producing drugs for delivery to any person in the State of Alabama, or to otherwise enroll any user in such a system to purchase abortion producing drugs for delivery in the state.

(6) No platform-as-a-service provider may allow its information technology capabilities to be used by any SaaS provider or other person to offer for sale any abortion producing drugs for delivery to any person in the State of Alabama, or to otherwise enroll any user in such a system to purchase abortion producing drugs for delivery in the state.

(7) No infrastructure-as-a-service provider may allow its information technology capabilities to be used by any PaaS or SaaS provider or other person to offer for sale any abortion producing drugs for delivery to any person in the State of Alabama or to otherwise enroll any user in such a system to purchase abortion producing drugs.

(8) No physical data center may allow its physical facilities to host any information technology capabilities to be used by any person to offer for sale any abortion producing drugs for delivery to any person in the State of Alabama, or to otherwise enroll any user in such a system to purchase abortion producing drugs.

(9) No payment provider may facilitate payment for any abortion producing drug to be delivered to any person in the State of Alabama.



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(b) Notwithstanding any other law, subsection (a) does not prohibit any of the following:

(1) Speech or conduct protected by the First Amendment of the United States Constitution. The speech or conduct prohibited by this act is only for the purpose of prohibiting the use of abortion producing drugs in the State of Alabama in violation of Chapter 23H of Title 26, Code of Alabama 1975.

(2) Conduct engaged in by a pregnant woman who aborts or attempts to abort her unborn child.

(3) Possessing, distributing, mailing, transporting, delivering, or providing an abortion producing drug for a medical purpose that does not include performing, inducing, or attempting an abortion.

(c)(1) For any provider or service who is not the person providing the abortion producing drug, the first violation of this section shall be a Class C felony.

(2) For any provider or service who is not the person providing the abortion producing drug, any second or subsequent violation of this section shall be a Class B felony.

Section 4. (a) Each Internet service provider and cell phone service provider that provides Internet services in this state shall for this state prohibit and remove any domain name service server used to accept HTTP requests from its customer records any domain names and IP addresses as listed in this section or subsequently added as hereinafter provided. This provision expressly includes any and all of the following hostnames, domain names, fully qualified domain names, and



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309 fully qualified domain names using the domain name:

310 (1) Aidaccess.org.

311 (2) Heyjane.co.

312 (3) Plancpills.org.

313 (4) Mychoix.co.

314 (5) Justthepill.com.

315 (6) Carafem.org.

316 (7) Any other domain names, including any fully
317 qualified domain names using the domain name subsequently
318 identified as provided by Section 5.

319 (8) Any IP Address subsequently identified as provided
320 by Section 5.

321 (b) The penalties for those persons that provide
322 abortion producing drugs through domain names or IP addresses
323 in violation of this section shall be as follows:

324 (1) A Class A felony, if the use of the abortion
325 producing drug results in an abortion.

326 (2) A Class C felony in all other circumstances.

327 Section 5. (a) The Alabama Attorney General shall
328 continuously monitor the Internet to identify Internet domain
329 names and IP addresses that provide for delivery of abortion
330 producing drugs to persons in the State of Alabama.

331 (b) A person who becomes aware of the information or
332 material described in Section 4 may provide that information
333 to the Alabama Attorney General who shall upon such
334 notification determine if the domain name and IP address shall
335 be added to the list of abortion producing drug websites or IP
336 addresses soliciting persons in the State of Alabama.



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(c) The Alabama Attorney General shall maintain on a continuous basis an up-to-date list of those Internet domain names and IP addresses providing for abortion producing drugs to persons in this state for enforcement purposes as provided in Section 6 and Section 9.

Section 6. (a) The Alabama Attorney General shall bring and maintain a civil action against a person who provides any products or services as prohibited by this act.

(b) The Alabama Attorney General shall obtain the following relief for the violation of any provision of this act:

(1) An injunction prohibiting the activity.

(2) A fine of ten thousand dollars (\$10,000) per each separate identifiable offense in this act.

(c)(1) All funds collected by the Attorney General pursuant to this section shall be retained by the Attorney General's Office. Of those funds, 50 percent shall be deposited into the Alabama Attorney General's general operating account and 50 percent shall be used by the Attorney General to fund grants to Alabama Pregnancy Resource Centers that meet all of the following criteria:

a. Exempt from federal income tax under 26 U.S.C. § 501(C)(3).

b. An Alabama nonprofit formed under Chapter 3 of Title 10A, Code of Alabama 1975.

c. Regularly answers a dedicated phone number for clients.

d. Maintains in this state its primary physical office,



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365 clinic, or residential home, which is open for clients for at
366 least 20 hours a week, excluding state holidays.

367 e. Offers services at no cost to the client for an
368 expressed purpose of providing assistance to women in order to
369 carry their pregnancy to term, encourage parenting or
370 adoption, prevent abortion, and promote healthy childbirth.

371 f. Utilizes trained and licensed medical professionals
372 to perform any available medical procedures.

373 g. Does not counsel, provide for, refer, or perform
374 abortions or abortion services.

375 (2) The Attorney General shall maintain a list of all
376 qualifying Alabama Pregnancy Resource Centers. The Attorney
377 General's Office may add a qualifying pregnancy resource
378 center to the list after the resource center has demonstrated
379 that it meets all of the requirements for a grant pursuant to
380 this section.

381 Section 7. (a) It is an affirmative defense to any
382 action or prosecution brought under this act that the
383 defendant satisfied both of the following:

384 (1) Was unaware that the defendant's interactive
385 computer service was being used to assist or facilitate
386 efforts to obtain abortion producing drugs for delivery in
387 this state.

388 (2) On learning that the defendant's interacting
389 computer service was being used to assist or facilitate
390 efforts to obtain abortion producing drugs, the defendant
391 promptly took both of the following actions:

392 a. Blocked access to any information, material,



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application, or software that assists or facilitates efforts to obtain abortion producing drugs for delivery in the state.

b. Blocked those who provide, manufacture, distribute, mail, transport, or deliver abortion producing drugs to the state, or who aid and abet in any of these actions, from accessing the defendant's interacting computer service or from collecting money, digital currency, resources, or any other thing of value through the defendant's interactive computer service for the purchase of abortion producing drugs for delivery in the state.

(b) The defendant has the burden of proving an affirmative defense under subsection (a) by clear and convincing evidence.

Section 8. Notwithstanding any other law, a provider or user of an interactive computer service has absolute and nonwaiverable immunity from liability or lawsuit for each of the following:

(1) An action taken to restrict access to or availability of any information or material that assists or facilitates access to abortion producing drugs for delivery in this state, regardless of whether the information or material is constitutionally protected.

(2) An action taken to enable or make available to information content providers or others the technical means to restrict access to the information or material described in subdivision (1).

(3) A denial of service to persons who provide, aid, or abet elective abortions or who manufacture, mail, distribute,



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transport, provide, or arrange payment for abortion producing drugs for delivery in the state.

Section 9. For any violation of this act, the woman who received the abortion producing drug, her husband, her child, her parent, or her sibling shall have a cause of action against any information content provider, Internet computer service, provider of an abortion producing drug, or any other person who violates this act for wrongful death of an aborted child as a result thereof, for compensatory and punitive damages, plus attorney fees to be awarded by the court.

Section 10. This act shall be subject to the provisions, exemptions, and limitations as provided in Chapter 23H of Title 26, Code of Alabama 1975, and shall be construed in pari materia with that chapter.

Section 11. If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of this act or the application thereof to any person or circumstance are found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed the act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words be declared unconstitutional.

Section 12. This act shall become effective on October 1, 2025.