



NATIONAL
WOMEN'S
LAW CENTER



With help from the Autistic Women & Nonbinary Network

FORCED STERILIZATION LAWS IN EACH STATE AND TERRITORY

This section says what the laws are for each state and territory. There are three groups of laws:



Forced sterilization is allowed

- ▶ Disabled people can be forced to be sterilized in some cases.
- ▶ 31 states plus Washington, D.C.



Forced sterilization is banned

- ▶ No forced sterilizations are allowed, except to deal with physical health problems.
- ▶ 2 states



Other

- ▶ It is not clear if forced sterilizations are allowed.
- ▶ 17 states and 3 territories

**ALABAMA****Other**

A court said that judges cannot order forced sterilizations now, but they might be able to in the future. The court said the government has to pass a law that gives judges the power (or jurisdiction) to do that. The case is [here](#) (page 312).¹

**ALASKA****Banned**

If someone is under guardianship, they cannot be forced to be sterilized unless there is a danger to their physical health.² Some people under guardianship who want to be sterilized might not be able to get sterilization. [Here](#) is the law.

**ARIZONA****Other**

A court said that judges cannot order forced sterilizations now, but they might be able to in the future. The court said the government has to pass a law that gives judges the power (or jurisdiction) to do that. The case is [here](#) (page 613).³

**ARKANSAS****Allowed**

Forced sterilizations are allowed under [this](#) law.

**CALIFORNIA****Allowed**

Forced sterilizations are allowed under [this](#) law.

**COLORADO****Allowed**

Forced sterilizations are allowed [this](#) law.⁴

**CONNECTICUT****Allowed**

Forced sterilizations are allowed under [this](#) law (Section VI).

**DELAWARE****Allowed**

Forced sterilizations are allowed under [this](#) law.

**FLORIDA****Allowed**

Forced sterilizations are allowed under the laws [here](#) and [here](#).

**GEORGIA****Allowed**

Forced sterilizations are allowed under [this](#) law.

**GUAM****Other**

There is no specific law on forced sterilizations.

**HAWAI'I****Allowed**

Forced sterilizations are allowed under [this](#) law (Part 6).

**IDAHO****Allowed**

Forced sterilizations are allowed under [this](#) law.

**ILLINOIS****Allowed**

Forced sterilizations are allowed under [this](#) law.

**INDIANA***Allowed*

Forced sterilizations are allowed under several court decisions, like [here](#), [here](#), and [here](#).

**IOWA***Allowed*

Forced sterilizations are allowed for adults under [this](#) law. They are allowed for children under [this](#) law.

**KANSAS***Allowed*

Forced sterilizations are allowed under [this](#) law.

**KENTUCKY***Allowed*

Forced sterilizations are allowed under [this](#) law.

**LOUISIANA***Other*

There is no specific law on forced sterilizations.⁵

**MAINE***Allowed*

Forced sterilizations are allowed under [this](#) law.

**MARYLAND***Allowed*

Forced sterilizations are allowed under [this](#) court decision.

**MASSACHUSETTS***Allowed*

Forced sterilizations are allowed under the court decisions [here](#) and [here](#).

**MICHIGAN***Allowed*

Forced sterilizations are allowed under [this](#) court decision.

**MINNESOTA***Allowed*

Forced sterilizations are allowed under [this](#) law.

**MISSISSIPPI***Other*

There is no specific law on forced sterilizations.⁶

**MISSOURI***Other*

A court said that judges cannot order forced sterilizations now, but they might be able to in the future. The court said the government has to pass a law that gives judges the power (or jurisdiction) to do that. The case is [here](#) (page 470–471).⁷

**MONTANA***Other*

There is no specific law on forced sterilizations.⁸

**NEBRASKA***Other*

There is no specific law on forced sterilizations.⁹

**NEVADA***Allowed*

Forced sterilizations are allowed under [this](#) law.

**NEW HAMPSHIRE***Allowed*

Forced sterilizations are allowed for adults under [this](#) law. They are allowed for children under [this](#) law. [This](#) court decision explains the process.

**NEW JERSEY***Allowed*

Forced sterilizations are allowed under [this](#) court decision.

**NEW MEXICO***Other*

There is no specific law on forced sterilizations.¹⁰

**NEW YORK***Allowed*

Forced sterilizations are allowed under [this](#) court decision.

**NORTH CAROLINA***Banned*

If someone cannot consent to sterilization, they cannot be sterilized, except if there is a danger to their physical health. They cannot be sterilized just to stop them from having babies. Some disabled people who want to be sterilized might not be able to get sterilization. [Here](#) is the law.

**NORTH DAKOTA***Allowed*

Forced sterilizations are allowed under [this](#) law.

**OHIO***Other*

The law on forced sterilization is not clear.¹¹

**OKLAHOMA***Other*

There is no specific law on forced sterilizations.

**OREGON***Allowed*

Forced sterilizations are allowed under [this](#) law.

**PENNSYLVANIA***Allowed*

Forced sterilizations are allowed under [this](#) court decision. There is also more information in [this](#) court decision.

**PUERTO RICO***Other*

There is no specific law on forced sterilizations.

**RHODE ISLAND***Other*

There is no specific law on forced sterilizations.

**SOUTH CAROLINA***Allowed*

Forced sterilizations are allowed under [this](#) court decision.

**SOUTH DAKOTA***Other*

There is no specific law on forced sterilizations.¹²

**TENNESSEE***Other*

There is no specific law on forced sterilizations.

**TEXAS***Other*

There is no specific law on forced sterilizations.¹³

**UTAH***Allowed*

Forced sterilizations are allowed under [this](#) law.

**VERMONT***Allowed*

Forced sterilizations are allowed under [this](#) law.

**VIRGINIA***Allowed*

Forced sterilizations are allowed under [this](#) law.

**VIRGIN ISLANDS***Other*

A court said that judges cannot order forced sterilizations now, but they might be able to in the future. The court said the government has to pass a law that gives judges the power (or jurisdiction) to do that. The case is [here](#).

**WASHINGTON STATE***Allowed*

Forced sterilizations are allowed under court decisions [here](#) and [here](#).

**WASHINGTON, D.C.***Allowed*

Forced sterilizations are allowed under [this](#) law.

**WEST VIRGINIA***Other*

The law on forced sterilization is not clear.¹⁵

**WISCONSIN***Other*

The law on forced sterilization is not clear.¹⁶

**WYOMING***Allowed*

Forced sterilizations are allowed under [this](#) law.

1. This decision is from 1979. In 1987, the government passed a guardianship law ([here](#)). The law said that guardians can make decisions about health care. It does not say anything about sterilization. This is probably not specific enough. So courts in Alabama will probably still say that they need the government to pass a law.
2. In other states, there are laws that say that forced sterilization needs to help the person's health. Courts in those states have still allowed forced sterilization even if the only reason is to stop someone from getting pregnant. Judges have said that getting pregnant or having children can hurt the person's mental health. Alaska is different because its law talks only about physical health. This probably means that in Alaska, you cannot force someone to be sterilized just to stop them from getting pregnant. The sterilization needs to deal with a physical problem (like getting a hysterectomy to treat cancer). Another thing to know about Alaska is that there was a [big court case](#) in 1981 saying that forced sterilizations are allowed. But this was before the law banning sterilizations was passed, so that court decision does not matter anymore.
3. This case is not about disabled people. It is about people who were going to jail. They were told that they would get less jail time if they got sterilized. But the reasons the court gives for its decisions probably apply to forced sterilizations of disabled people.
4. In Colorado, a forced sterilization is allowed if the person is sterilized to protect their physical or mental health. But this includes sterilizations done just to prevent someone from being pregnant. For example, if a judge thinks that having children will be hard for someone, the judge can say that that person should be sterilized to protect their mental health.
5. In Louisiana, the attorney general wrote two letters saying what he thinks the law allows. The attorney general is the main lawyer for the government. He said that forced sterilizations are allowed in some cases and not in others. But the attorney general's opinion is not binding, which means that courts do not have to follow it. Here are the two letters: Louisiana Attorney General Opinion No. 83-85 (February 8, 1983) and Louisiana Attorney General Opinion No. 79-692 (June 26, 1979).
6. In Mississippi, the guardian can usually make health care decisions for the person under guardianship ([here](#) is the law). But the law does not say anything about sterilization specifically. In some states, courts have said that this kind of general law about health care allows forced sterilizations. In other states, courts have said that the law has to mention sterilization specifically. We do not know what a court in Mississippi would say.

7. This case is about a juvenile court. That is a court that deals with children. The judges said the juvenile court could not allow a forced sterilization, because the government did not pass a law specifically about forced sterilizations. We think that a court for adults in Missouri would probably say the same thing, but we do not know for sure.
8. In Montana, the guardian can usually make health care decisions for the person under guardianship ([here](#) is the law). But the law does not say anything about sterilization specifically. In some states, courts have said that this kind of general law about health care allows forced sterilizations. In other states, courts have said that the law has to mention sterilization specifically. We do not know what a court in Montana would say.
9. In Nebraska, the guardian can usually make health care decisions for the person under guardianship ([here](#) is the law). But the law does not say anything about sterilization specifically. In some states, courts have said that this kind of general law about health care allows forced sterilizations. In other states, courts have said that the law has to mention sterilization specifically. We do not know what a court in Nebraska would say.
10. In New Mexico, the guardian can usually make health care decisions for the person under guardianship ([here](#) is the law). But the law does not say anything about sterilization specifically. In some states, courts have said that this kind of general law about health care allows forced sterilizations. In other states, courts have said that the law has to mention sterilization specifically. We do not know what a court in New Mexico would say.
11. In Ohio, a judge once ordered a forced sterilization. Another court said the judge should not have done that. According to that court, when the judge ordered the sterilization, he did something that his job did not allow. This meant that he could be sued by the person who was sterilized. Another way of saying this was that he did not have “judicial immunity” (he was not protected from lawsuits as a judge). But six years later, the Supreme Court had a case that was a lot like the Ohio one. The Supreme Court said the way the Ohio court thought about judicial immunity was wrong. The Supreme Court has the final say. So courts in Ohio probably will not follow the Ohio decision anymore. [Here](#) is the case from Ohio. [Here](#) is the Supreme Court case.
Here is another thing to know about Ohio. There is a [law](#) that says that if someone is an institution, they cannot be forced to be sterilized. Institutions are big places where a lot of disabled people live together. But the law does not say if forced sterilizations are allowed for people who are not in institutions. Many states say that forced sterilizations are banned for people who are in institutions, but they are allowed for people who are not in institutions. So we do not know if the law in Ohio allows forced sterilizations for people who are not in institutions.

12. In South Dakota, the guardian can usually make health care decisions for the person under guardianship (law [here](#)). But the law does not say anything about sterilization specifically. In some states, courts have said that this kind of general law about health care allows forced sterilizations. In other states, courts have said that the law has to mention sterilization specifically. We do not know what a court in South Dakota would say. Also, in South Dakota, there is a [law](#) about health care during an emergency. The law says that if someone cannot consent during an emergency (like if they are not awake), a doctor cannot do a sterilization. But this law is only about emergencies.
13. In Texas, the guardian can usually make health care decisions for the person under guardianship (law [here](#)). But the law does not say anything about sterilization specifically. In some states, courts have said that this kind of general law about health care allows forced sterilizations. In other states, courts have said that the law has to mention sterilization specifically. We do not know what a court in Texas would say. Another thing about Texas: Back in 1969, a judge said that he did not have the power to order a sterilization ([here](#) is the case). He said this was because there was no law that said that guardians can make health care decisions for people under guardianship. But in 2011, Texas passed a law saying that guardians have the power to make decisions about health care. This probably cancels out the reason the judge gave for his opinion in 1969.
14. The case at this link might not work with some screen readers. The citation is *Matter of Application of Division of Mental, Alcoholism & Drug Dependence Through Keys*, No. 4/82, 1985 WL 1264045, at *4 (Terr. V.I. Aug. 6, 1985).
15. In West Virginia, the [law](#) says that doctors are usually allowed to do sterilizations. But they are not allowed to do sterilizations if a person has a disability and that disability makes it harder for them to consent. Other states have laws like this, but they still allow sterilizations on someone who cannot consent, just as long as a court orders it. It is not clear if this is allowed in West Virginia.
16. In [this](#) case, a court said that judges do have the power to order forced sterilizations. But the court said that the legislature (the part of the government that makes laws) has to pass a law saying when forced sterilizations are allowed. So the court said that judges in Wisconsin should not use their power to order sterilizations now. They should wait until the legislature passes a law. The court also said that if the legislature does not pass a law, the court might change its mind and let judges order sterilizations. The case is from 1981, and the legislature still has not passed a law. So it is not clear what this court would say today.



**NATIONAL
WOMEN'S
LAW CENTER**

Justice for Her. Justice for All.

11 Dupont Circle NW, Suite 800
Washington, DC 20036
202.588.5180 | fax 202.588.5185
www.nwlc.org



awnnetwork.org

5100 Van Dorn St.
Suite 6633
Lincoln, NE 68506
awnnetwork.org