

An Overview of Abortion Laws

BACKGROUND: Since the Supreme Court handed down its 1973 decisions in *Roe v. Wade* and *Doe v. Bolton*, states have constructed a lattice work of abortion law, codifying, regulating and limiting whether, when and under what circumstances a woman may obtain an abortion. The following table highlights the major provisions of these state laws. More detailed information can be found by selecting the table column headings in blue. Except where noted, the laws are in effect, although they may not always be enforced.

HIGHLIGHTS:

- **Physician and Hospital Requirements:** 38 states require an abortion to be performed by a licensed physician. 19 states require an abortion to be performed in a hospital after a specified point in the pregnancy, and 18 states require the involvement of a second physician after a specified point.
- **Gestational Limits:** 43 states prohibit abortions, generally except when necessary to protect the woman's life or health, after a specified point in pregnancy, most often fetal viability.
- **"Partial-Birth" Abortion:** 19 states have laws in effect that prohibit "partial-birth" abortion. 3 of these laws apply only to postviability abortions.
- **Public Funding:** 17 states use their own funds to pay for all or most medically necessary abortions for Medicaid enrollees in the state. 32 states and the District of Columbia prohibit the use of state funds except in those cases when federal funds are available: where the woman's life is in danger or the pregnancy is the result of rape or incest. In defiance of federal requirements, South Dakota limits funding to cases of life endangerment only.
- **Coverage by Private Insurance:** 11 states restrict coverage of abortion in private insurance plans, most often limiting coverage only to when the woman's life would be endangered if the pregnancy were carried to term. Most states allow the purchase of additional abortion coverage at an additional cost.
- **Refusal:** 45 states allow individual health care providers to refuse to participate in an abortion. 42 states allow institutions to refuse to perform abortions, 16 of which limit refusal to private or religious institutions.
- **State-Mandated Counseling:** 17 states mandate that women be given counseling before an abortion that includes information on at least one of the following: the purported link between abortion and breast cancer (5 states), the ability of a fetus to feel pain (12 states) or long-term mental health consequences for the woman (7 states).
- **Waiting Periods:** 28 states require a woman seeking an abortion to wait a specified period of time, usually 24 hours, between when she receives counseling and the procedure is performed. 14 of these states have laws that effectively require the woman make two separate trips to the clinic to obtain the procedure.
- **Parental Involvement:** 38 states require some type of parental involvement in a minor's decision to have an abortion. 25 states require one or both parents to consent to the procedure, while 13 require that one or both parents be notified.



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OVERVIEW OF STATE ABORTION LAW (PAGE 1 OF 2)

| STATE | MUST BE PERFORMED BY A LICENSED PHYSICIAN | MUST BE PERFORMED IN A HOSPITAL IF AT: | SECOND PHYSICIAN MUST PARTICIPATE IF AT: | PROHIBITED EXCEPT IN CASES OF LIFE OR HEALTH ENDANGERMENT IF AT: | "PARTIAL-BIRTH" ABORTION BANNED | PUBLIC FUNDING OF ABORTION | | PRIVATE INSURANCE COVERAGE LIMITED |
|--------------|---|--|--|--|---------------------------------|---|---|------------------------------------|
| | | | | | | Funds All or Most Medically Necessary Abortions | Funds Limited to Life Endangerment, Rape and Incest | |
| AL | X | Viability | Viability | 20 weeks* | ▼ | | X | |
| AK | X | | | | ▼ | X | | |
| AZ | X | Viability | Viability | Viability | X | X | | X |
| AR | X | | Viability | 20 weeks† | X | | X | |
| CA | | | | Viability | | X | | |
| CO | | | | | | | X | |
| CT | | Viability | | Viability | | X | | |
| DE | X | | | Viability | | | X | |
| DC | | | | | | | X | |
| FL | X | Viability | 24 weeks | 24 weeks | ▼ | | X | |
| GA | X | | | Viability | Postviability | | X | |
| HI | X | | | Viability | | X | | |
| ID | X | Viability | 3rd trimester | Viability | ▼ | | X | X |
| IL | | | Viability | Viability | ▼ | X | | |
| IN | X | 20 weeks | 20 weeks | 20 weeks* | X | | X* | X |
| IA | X | | | 3rd trimester | ▼ | | X | |
| KS | X | | Viability | 20 weeks* | X | | X | X |
| KY | X | 2nd trimester | | Viability | ▼ | | X | X |
| LA | X | | Viability | 20 weeks* | X | | X | |
| ME | X | | | Viability | | | X | |
| MD | X | | | Viability ^Ω | | X | | |
| MA | X | | | 24 weeks | | X | | |
| MI | X | | | Viability [‡] | X | | X | X |
| MN | X | | 20 weeks | 24 weeks | | X | | |
| MS | X ^Φ | | | 20 weeks* | X | | X ^Ω | |
| MO | X | Viability | Viability | Viability | ▼ | | X | X |
| MT | | | Viability | Viability* | Postviability | X | | |
| NE | X | | | 20 weeks* | ▼ | | X | X |
| NV | X | 24 weeks | | 24 weeks | | | X | |
| NH | | | | | X | | X | |
| NJ | X ^ξ | 14 weeks | | | ▼ | X | | |
| NM | X | | | | Postviability | X | | |
| NY | | | 24 weeks | 24 weeks [‡] | | X | | |
| NC | X | 20 weeks | | 20 weeks | | | X | |
| ND | X | | | 20 weeks* | X | | X | X |
| OH | X | Viability | Viability | Viability* | X | | X | |
| OK | X | 2nd trimester | Viability | 20 weeks* | X | | X | X |
| OR | | | | | | X | | |
| PA | X | Viability | Viability | 24 weeks* | | | X | |
| RI | | | | 24 weeks [‡] | ▼ | | X | ▼ |
| SC | X | 3rd trimester | 3rd trimester | 3rd trimester | X | | X | |
| SD | X | 24 weeks | | 24 weeks | X | | Life Only | |
| TN | X | | | Viability | X | | X | |
| TX | X | | | 20 weeks* | | | X | |
| UT | X | 90 days | | Viability ^{†,Ω} | X | | X* | X |
| VT | | | | | | X | | |
| VA | X | 2nd trimester | Viability | 3rd trimester | X | | X ^Ω | |
| WA | | | | Viability | | X | | |
| WV | | | | 20 weeks* | ▼ | X | | |
| WI | X | Viability | | Viability | ▼ | | X* | |
| WY | X | | | Viability | | | X | |
| TOTAL | 38 | 19 | 18 | 43 | 19 | 17 | 32+DC | 11 |

▼ Permanently enjoined; law not in effect.

* Exception in case of threat to the woman's physical health.

† Exception in case of rape or incest.

‡ Exception in case of life endangerment only.

Ω Exception in case of fetal abnormality.

ξ Only applies to surgical abortion.

Φ Law limits abortion provision to OB/GYNs.

CONTINUED

OVERVIEW OF STATE ABORTION LAW (PAGE 2 OF 2)

| STATE | PROVIDERS MAY REFUSE TO PARTICIPATE | | MANDATED COUNSELING INCLUDES INFORMATION ON: | | | WAITING PERIOD (in Hours) AFTER COUNSELING | PARENTAL INVOLVEMENT REQUIRED FOR MINORS |
|--------------|-------------------------------------|-------------|--|----------------|--------------------------------|--|--|
| | Individual | Institution | Breast Cancer Link | Fetal Pain | Negative Psychological Effects | | |
| AL | | | | | | 48 | Consent |
| AK | X | Private | X | X | | | Notice |
| AZ | X | X | | | | 24 | Consent |
| AR | X | X | | X ^Φ | | 48 | Consent |
| CA | X | Religious | | | | | ▼ |
| CO | | | | | | | Notice |
| CT | X | | | | | | |
| DE | X | X | | | | ▼ | Notice ^ξ |
| DC | | | | | | | |
| FL | X | X | | | | 24 | Notice |
| GA | X | X | | X | | 24 | Notice |
| HI | X | X | | | | | |
| ID | X | X | | | | 24 | Consent |
| IL | X | Private | | | | | Notice |
| IN | X | Private | | X | | 18 | Consent |
| IA | X | Private | | | | | Notice |
| KS | X | X | X | X | X | 24 | Consent |
| KY | X | X | | | | 24 | Consent |
| LA | X | X | | X | X | 24 | Consent |
| ME | X | X | | | | | |
| MD | X | X | | | | | Notice |
| MA | X | X | | | | ▼ | Consent |
| MI | X | X | | | X | 24 | ▼ |
| MN | X | Private | | X ^Φ | | 24 | Notice ^b |
| MS | X | X | X | | | 24 | Consent ^b |
| MO | X | X | | X ^Φ | | 72 | Consent |
| MT | X | Private | | | | ▼ | Notice |
| NE | X | X | | | X | 24 | Consent |
| NV | X | Private | | | | | ▼ |
| NH | | | | | | | Notice |
| NJ | X | Private | | | | | ▼ |
| NM | X | X | | | | | ▼ |
| NY | X | | | | | | |
| NC | X | X | | | X | 72 | Consent |
| ND | X | X | | | | 24 | Consent ^b |
| OH | X | X | | | | 24 | Consent |
| OK | X | Private | X | X ^Φ | | 72 | Consent and Notice |
| OR | X | Private | | | | | |
| PA | X | Private | | | | 24 | Consent |
| RI | X | | | | | | Consent |
| SC | X | Private | | | | 24 | Consent |
| SD | X | X | | X | X | 72 [◇] | Notice |
| TN | X | X | | | | 48 | Consent |
| TX | X | Private | X | X | X | 24 | Consent and Notice |
| UT | X | Private | | X ^Φ | X | 72 [◇] | Consent and Notice |
| VT | | | | | | | |
| VA | X | X | | | | 24 | Consent and Notice |
| WA | X | X | | | | | |
| WV | | | | | X | 24 | Notice ^ξ |
| WI | X | X | | | | 24 | Consent ^ξ |
| WY | X | Private | | | | | Consent and Notice |
| TOTAL | 45 | 42 | 5 | 12 | 9 | 28 | 38 |

▼ Permanently enjoined; law not in effect.

§ Enforcement temporarily enjoined by court order; policy not in effect.

Φ Fetal pain information is given only to women who are at least 20 weeks gestation; in Missouri at 22 weeks gestation.

b Both parents must consent to the abortion.

ξ Specified health professionals may waive parental involvement in certain circumstances.

◇ In South Dakota, the waiting period excludes weekends or annual holidays and in Utah the waiting period is waived in cases of rape, incest, fetal defect or if the patient is younger than 15.

FOR MORE INFORMATION:

For information on state policy activity, click on Guttmacher's [Monthly State Update](#), for state policy information see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information go to Guttmacher's [Data Center](#), and for abortion specific information click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis sign up for the [State News Quarterly Listserv](#).