

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:* 39 states require an abortion to be performed by a licensed physician. 21 states require an abortion to be performed in a hospital after a specified point in the pregnancy, and 20 states require the involvement of a second physician after a specified point.
- *Gestational Limits:* 40 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:* 18 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:* 8 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:* 46 states allow individual health care providers to refuse to participate in an abortion. 43 states allow institutions to refuse to perform abortions, 16 of which limit refusal to private or religious institutions.
- *State-Mandated Counseling:* 19 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 (11 states), long-term mental health consequences for the woman (7 states) or information on the availability of ultrasound (11 states).
- *Waiting Periods:* 26 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. 9 of these states have laws that effectively require the woman make two separate trips to the clinic to obtain the procedure.
- *Parental Involvement:* 37 states require some type of parental involvement in a minor's decision to have an abortion. 22 states require one or both parents to consent to the procedure, while 11 require that one or both parents be notified and 4 states require both parental consent and notification.



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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	X	Viability	Viability*	X	X		
AR	X		Viability	Viability†	X		X	
CA				Viability		X		
CO	X						X	
CT		Viability		Viability		X		
DE	X			Viability			X	
DC							X	
FL	X		24 weeks	24 weeks	▼		X	
GA	X		3rd trimester	3rd trimester	Postviability		X	
HI	X					X		
ID	X	Viability	3rd trimester	20 weeks*	▼		X	X
IL			Viability	Viability	▼	X		
IN	X	20 weeks	20 weeks	20 weeks*	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	Viability	X		X	
ME	X			Viability			X	
MD	X			Viability ^Ω		X		
MA	X	12 weeks		24 weeks		X		
MI	X			Viability‡	X		X	
MN	X	20 weeks	24 weeks	24 weeks		X		
MS	X*				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	
NJ	X	14 weeks			▼	X		
NM	X				Postviability	X		
NY			24 weeks	24 weeks‡		X		
NC	X	20 weeks		20 weeks			X	
ND	X	12 weeks	12 weeks	Viability	X		X	X
OH	X	Viability	Viability	Viability*	X		X	
OK	X	2nd trimester	Viability	Viability	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			3rd trimester			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					▼	X		
WI	X	12 weeks		Viability	▼		X*	
WY	X			Viability			X	
TOTAL	39	21	20	40	18	17	32+DC	8

▼ Permanently enjoined; law not in effect.

♦ New laws in Arizona and Mississippi go into effect later in 2012.

* 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.

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	Ultrasound Services		
AL							24	Consent
AK	X	Private	X	X				Notice
AZ	X	X					24	Consent
AR	X	X		X ^Φ			Day Before	Consent
CA	X	Religious						▼
CO	X	X						Notice
CT	X							
DE	X	X					▼	Notice ^ξ
DC								
FL	X	X						Notice
GA	X	X		X		X	24	Notice
HI	X	X						
ID	X	X					24	Consent
IL	X	Private						▼
IN	X	Private		X		X	18	Consent
IA	X	Private						Notice
KS	X	X	X			X	24	Consent
KY	X	X					24	Consent
LA	X	X		X			24	Consent
ME	X	X						
MD	X	X						Notice
MA	X	X					▼	Consent
MI	X	X			X	X	24	Consent
MN	X	Private		X ^Φ			24	Notice ^β
MS	X	X	X				24	Consent ^β
MO	X	X		X ^Φ		X	24	Consent
MT	X	Private					▼	▼
NE	X	X			X	X	24	Consent
NV	X	Private						▼
NH								Notice
NJ	X	Private						▼
NM	X	X						▼
NY	X							
NC	X	X			X	X	24	Consent
ND	X	X					24	Consent ^β
OH	X	X					24	Consent
OK	X	Private	X	X ^Φ		X	24	Consent and Notice
OR	X	Private						
PA	X	Private					24	Consent
RI	X							Consent
SC	X	Private				X	24	Consent
SD	X	X		X	X		24	Notice
TN	X	X					▼	Consent
TX	X	Private	X	X	X		24	Consent and Notice
UT	X	Private		X ^Φ	X	X	24 ^{◇,*}	Consent and Notice
VT								
VA	X	X				♦	24	Consent
WA	X	X						
WV					X		24	Notice ^ξ
WI	X	X				X	24	Consent ^ξ
WY	X	Private						Consent and Notice
TOTAL	46	43	5	11	7	11	26	37

▼ Permanently enjoined; law not in effect

♦ A new law goes into effect later in 2012.

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

β Both parents must consent to the abortion.

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

◇ The waiting period requirement is waived if the pregnancy is the result of rape or incest, the fetus has grave defects or 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](#).