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## Abortion Laws

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Abortion and related issues concerning fetal rights are debated each year during state legislative sessions. Laws dealing with mandatory counseling and waiting periods for abortion, state funding of abortion under Medicaid, parental involvement in abortions for minors and abortion policy in the absence of Roe v. Wade are frequently debated on the floors of state legislatures across the country. This webpage provides charts containing information on the laws related to these topics.

For information about state laws related to abortion coverage in Insurance exchanges and the Affordable Care Act, please visit NCSL's Health Reform and Abortion Coverage webpage.

Mandatory Counseling and Waiting Periods for Abortion						
State	Counseling					Length of Waiting Period
	Counseling Required	Includes Information On:				
		Breast Cancer	Fetal Pain	Mental Health Impact	Ultrasound Services	
Alabama	X			X*		24 hours
Alaska	X	X*	X*	X		
Arizona	§					24 hours
Arkansas	X		X*	X		Prior day
California	X					
Connecticut	X					
Delaware	X					±
Florida	X					
Georgia	X		X	X	X	24 hours
Idaho	X			X*		24 hours
Indiana	X		X§		X	18 hours
Kansas	X	X*		X*	X	24 hours
Kentucky	X					24 hours
Louisiana	X		X	X*		24 hours
Maine	X					
Massachusetts						±
Michigan	X			X	X*	24 hours
Minnesota	X	X	X*	X		24 hours
Mississippi	X	X				24 hours
Missouri	X		X*	X	X	24 hours
Montana						±
Nebraska	X			X	X	24 hours
Nevada	X			X (emotional)		
North Carolina	X	X		X	X	24 hours
North Dakota	X					24 hours
Ohio	X					24 hours
Oklahoma	X	X*	X*	X	X	24 hours
Pennsylvania	X			X		24 hours
Rhode Island	X					
South Carolina	X				X	24 hours
South Dakota	X		X*	X*		72 hours±
Tennessee	X#					±
Texas	X	X	X*	X*		24 hours
Utah	X		X	X	X	24 hours
Virginia	X			X		24 hours
West Virginia	X	X*		X		24 hours
Wisconsin	X			X	X	24 hours
Total	35	8	11	21	11	30

All states waive mandatory waiting period requirements in a medical emergency or when the woman's life or health is threatened. In Utah, the waiting period requirement is waived if the pregnancy is a result of rape or incest, the fetus has grave defects or the patient is younger than 15. The counseling requirement is waived in cases of ectopic pregnancy or severe fetal abnormality (Alabama) and in cases of a medical emergency (Georgia and Rhode Island).

± Permanently enjoined by court order; policy not in effect.

§ Temporarily enjoined by court order; policy not in effect.

\* Included in written counseling materials although not specified by law.

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

\* Enforcement of provision of the Tennessee law requiring that a woman be told that an abortion constitutes major surgery is enjoined.

\* A 2011 law to extend the waiting period to 72 hours and mandated in person counseling is blocked during a court case.

\* Required by law to be included in the written materials; however, the materials have not yet been updated. The provision is currently not enforced against Planned Parenthood of Indiana.

Source: Guttmacher Institute 2012

## State Funding of Abortion Under Medicaid

Generally Follows the Federal Standard, Funds in Cases of:

State	Life Endangerment, Rape and Incest	Other Exceptions	Funds All of Most Medically Necessary Abortions
Alabama	X		
Alaska			Court Order
Arizona			Court Order
Arkansas	X		
California			Court Order
Colorado	X		
Connecticut			Court Order
Delaware	X		
District of Columbia	X		
Florida	X		
Georgia	X		
Hawaii			Voluntarily
Idaho	X		
Illinois			Court Order
Indiana	X	Physical Health	
Iowa	X		
Kansas	X		
Kentucky	X		
Louisiana	X		
Maine	X		
Maryland			Voluntarily
Massachusetts			Court Order
Michigan	X		
Minnesota			Court Order
Mississippi	X	Fetal Abnormality	
Missouri	X		
Montana			Court Order
Nebraska	X		
Nevada	X		
New Hampshire	X		
New Jersey			Court Order
New Mexico			Court Order
New York			Voluntarily
North Carolina	X		
North Dakota	X		
Ohio	X		
Oklahoma	X		
Oregon			Court Order
Pennsylvania	X		
Rhode Island	X		
South Carolina	X		
South Dakota	*		

Tennessee	X		
Texas	X		
Utah	X	Physical Health	
Vermont			Court Order
Virginia	X	Fetal Abnormality	
Washington			Voluntarily
West Virginia			Court Order
Wisconsin	X	Physical Health	
Wyoming	X		
<b>Total</b>	<b>32 and DC</b>		<b>17</b>

\* State only pays for abortions when necessary to protect the woman's life.

Source: Guttmacher Institute 2012

### Parental Involvement in Minors' Abortions

State	Required Parental Involvement		Alternatives		Exceptions	
	Consent	Notification	Judicial Bypass	Other Adult Relatives	Medical Emergency	Abuse, Assault, Incest or Neglect
Alabama	X		X		X	
Alaska		X	X		X	X
Arizona	X		X		X	X
Arkansas	X		X		X	X
California	±					
Colorado		X	X		X	X
Delaware		X,*,§	X,*,§	X,§	X,§	
Florida		X	X		X	
Georgia		X	X		X	
Idaho	X		X		X	X
Illinois		§	§	§	§	§
Indiana	X		X		X	
Iowa		X	X	X	X	X
Kansas	Both parents		X		X	
Kentucky	X		X		X	
Louisiana	X		X		X	
Maryland		X*				X*
Massachusetts	X		X		X	
Michigan	X		X		X	
Minnesota		Both Parents	X		X	X
Mississippi	Both Parents		X		X	
Missouri	X		X			
Montana		±				
Nebraska	X		X		X	X
Nevada		±				
New Hampshire		X	X		X	
New Jersey		±				
New Mexico	±					
North Carolina	X		X	X	X	
North Dakota	Both Parents		X		X	
Ohio	X		X			
Oklahoma	X	X	X		X	X
Pennsylvania	X		X		X	
Rhode Island	X		X			
South Carolina	X,*		X, §	X, §	X, §	X, §
South Dakota		X	X		X	
Tennessee	X		X		X	X
Texas	X	X	X		X	
Utah	X	X	X, §		X	X, §
Virginia	X		X	X	X	X
West Virginia		X*	X*		X	
Wisconsin	X*		X*	X	X	X
Wyoming	X	X	X		X	
<b>Total</b>	<b>28</b>	<b>19</b>	<b>37</b>	<b>7</b>	<b>34</b>	<b>16</b>

Note: Except where indicated, policies require the involvement of one parent.

± Enforcement permanently enjoined by court order; policy not in effect.

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

\* Allows specified health professionals to waive parental involvement in limited circumstances.

‡ While most states laws apply to minors under 18, South Carolina's law applies to women under 17 and Delaware's law applies to women under 16.

§ The provision only applies to parental consent requirements.

¶ The provision only applies to the parental notification requirements.

Source: Guttmacher Institute 2012

Abortion Policy in the Absence of <i>Roe v Wade</i>			
State	Criminalizing Abortion Except in Cases of Life Endangerment		Upholding Right to Abortion
	Abortion Ban	Abortion Ban if <i>Roe</i> Overturned	
California			X
Connecticut			X
Hawaii			X
Louisiana	±	X	
Maine			X
Maryland			X
Mississippi		X	
Nevada			X
North Dakota		§	
South Dakota		X	
Utah	±		
Washington			X
Total	2	4	7

± Enforcement permanently enjoined by court order; policy not in effect

§ Law allows a physician to claim an affirmative defense that the abortion was necessary to protect the life of the woman or in cases of rape or incest.

Source: Guttmacher Institute 2012

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