

Early Abortion Bans: Which States Have Passed Them?

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By MARA GORDON and ALYSON HURT

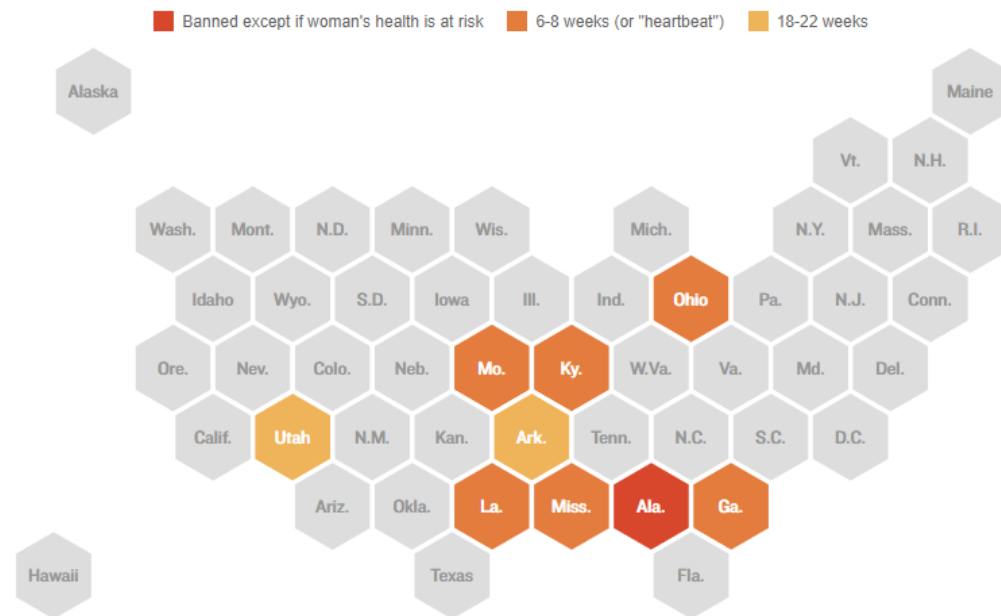
This story was updated June 13.

This year has brought an unprecedented wave of new state laws that only allow abortions to be performed early in pregnancy — if at all.

Most of the new laws — known as early abortion bans — explicitly outlaw abortion when performed after a certain point early in the pregnancy. The laws vary, with some forbidding abortion after six weeks of pregnancy, and some after eight weeks. Alabama's law is the most extreme: It aims to outlaw abortion at any point, except if the woman's health is at serious risk. So far in 2019, nine U.S. states have passed laws of this type, and more states are considering similar legislation.

Early Abortion Bans: Which States Have Passed Them?

So far in 2019, nine states have passed laws to outlaw abortion or forbid it past a certain point in pregnancy. None of these laws are in effect, and many are being litigated in the courts. **Last updated on June 13.**



Note: Pregnancy progress is measured from the first day of the patient's last menstrual period.

Source: *Guttmacher Institute*, NPR research

Credit: Mara Gordon, Alyson Hurt and Carmel Wroth/NPR

None of the laws passed this year are actually in effect, either because they have a future enactment date or because judges have put them on hold in response to lawsuits, or both.

These new bans are a direct challenge to the precedent set by the 1973 Supreme Court ruling *Roe v. Wade*, which affirmed that a woman has a right to seek an abortion up until the point that the fetus

could be "viable" outside of the uterus. Viability must be determined on an [individual basis](#) but is generally between 24 and 28 weeks of pregnancy.

"We want to stop abortion of unborn children. And the only way we can do that is to go back and revisit the *Roe* decision," Eric Johnston, the president of the Alabama Pro-Life Coalition, [told](#) NPR's Ari Shapiro. Johnston helped write the Alabama law that outlaws almost all abortions.

"This law is, in effect, a vehicle to do that," he added.

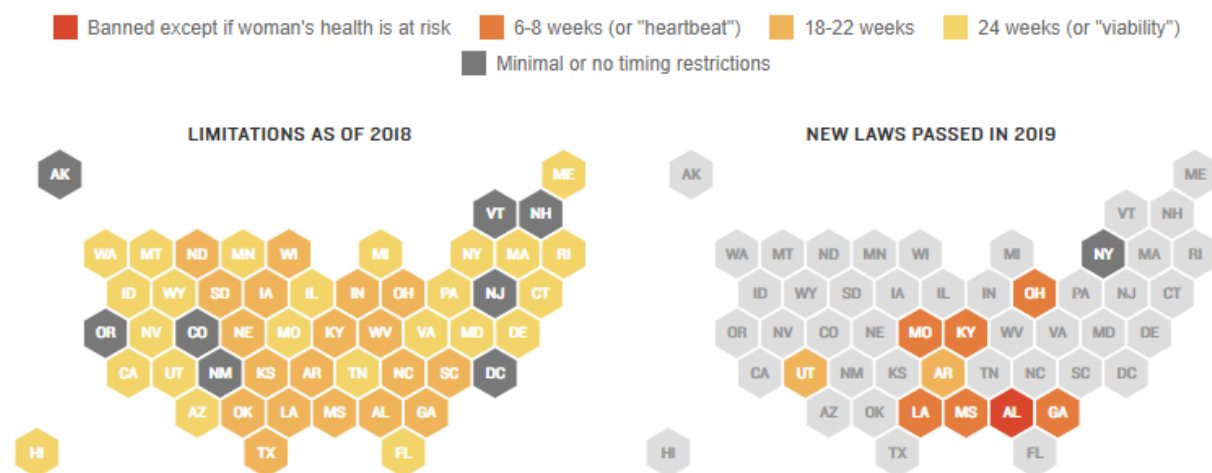
A few states already have existing laws that outlaw abortion earlier in pregnancy than the standard sent by *Roe*, banning the procedure as early as 18 or 20 weeks. When challenged, bans on abortion at this stage of pregnancy have consistently been struck down in court, [according to the Guttmacher Institute](#). But not all of those laws have been challenged in court, so they remain on the books. There is no state law currently in effect that bans abortion before 20 weeks.

Three states — New York, Vermont, and Illinois — have moved in the other direction. All three states passed laws this year that affirm the legal right to an abortion in each state, even if the Supreme Court overturns *Roe v. Wade*. Illinois is the most recent example, with its governor signing a bill on June 12 which states that "every individual has a fundamental right to make autonomous decisions about one's own reproductive health."

These early abortion bans differ from another common type of state regulation known as a TRAP law — for Targeted Regulation of Abortion Providers. TRAP laws place particular restrictions on the doctors or health clinics that provide abortions, and the Supreme Court has allowed some of these laws to go into effect, while striking down others.

Where State Laws Currently Stand on Abortion Timing — And Where They're Headed

Many states have existing limitations on the point in pregnancy at which abortions can be performed. This year has seen a slew of new laws — not yet in effect — outlawing the procedure earlier in pregnancy. **Last updated on June 13.**



Notes:

- Pregnancy progress is measured from the first day of the patient's last menstrual period.
- New York's new law maintains 24 weeks as the threshold of viability, but it loosens restrictions on abortions past that point.
- Vermont passed a law in 2019 guaranteeing the right to abortion in the state. The state does not have timing-based restrictions.

Source: [Guttmacher Institute](#), NPR research

Credit: Mara Gordon, Alyson Hurt and Carmel Wroth/NPR

Here's some details on the newest bans, by state.

*Important note: Supporters of reproductive rights have filed multiple lawsuits against this type of law. None of these early abortion bans are currently in effect or are being enforced.

Alabama – No abortion after **0 weeks**. Allows exceptions if the woman's life is threatened. No exceptions for rape or incest.

Arkansas – No abortion after **18 weeks**. Allows exceptions for rape, incest or medical emergencies.

Georgia – No abortion after **6 weeks**. Allows exceptions if the woman's life is endangered, if the pregnancy is deemed "medically futile" and in cases of rape or incest if the woman files a police report.

Kentucky – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

Louisiana – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered or if the pregnancy is deemed "medically futile."

Mississippi – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

Missouri – No abortion after **8 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

Ohio – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

Utah – No abortion after **18 weeks**. Allows exceptions for rape or incest if the doctor performing the abortion verifies that the incident was reported to law enforcement. Allows exceptions if the woman's life is endangered.

NPR's Carrie Feibel, Sarah McCammon and Carmel Wroth contributed to this report.

Correction

June 6, 2019

A previous version of this story incorrectly stated that Utah's new early-abortion ban makes no exceptions for rape or incest. In fact, the law does allow for such exceptions if the doctor performing the abortion verifies that the incident was reported to law enforcement.