

State Laws Restricting or Prohibiting Abortion

June 30, 2022

The Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* overruled *Roe v. Wade*, providing states with [greater discretion](#) to restrict abortion access, including by limiting abortion prior to fetal viability. This Sidebar provides an overview of existing or recently passed state laws prohibiting or limiting abortion prior to 24 weeks’ gestational age, which for many years [was widely considered](#) the point of viability, though medical advancements may have moved that point earlier. The Sidebar also identifies “trigger laws” the generally prohibit abortion that were set to go into effect, either automatically or following action by a state official, if the Supreme Court ever overturned *Roe v. Wade*. This Sidebar does not address any exceptions to these restrictions, such as in the case of a medical emergency, or restrictions to specific methods of abortion, such as medication abortion. Links to the full text of statutes listed in this Legal Sidebar are available through the [Law Librarians’ Society of Washington, DC Legislative Sourcebook](#).

Some of the laws below may not currently be in effect due to court injunctions. Some prosecutors [have also indicated](#) that they intend to use their discretion not to enforce the laws at the local level.

Methodology and Limitations

CRS searched the Lexis+ subscription database for state laws or recent state legislation (passed between September 1, 2021 and June 27, 2022) which prohibit or limit abortion prior to 24 weeks.

While CRS made every attempt to be comprehensive in its search and review, this Sidebar may not have captured some relevant statutes. For example, due to variations in database search functionalities, other versions of the state statutes may retrieve different results. Also, this survey may not contain very recent laws passed by the state legislatures or enacted provisions that are not codified yet, or which were not contained in the Lexis+ legislation database.

Congressional Research Service

<https://crsreports.congress.gov>

LSB10779

Table 1. Post-Roe “Trigger” Laws Banning AbortionLaws triggered when the United States Supreme Court overturned *Roe v. Wade*

State	Law Code	Notes
Arkansas	Ark. Code Ann. § 5-61-304	Becomes active following certification by the attorney general that the Supreme Court has overruled <i>Roe v. Wade</i> . Contingency at Acts of 2019, Act 180, § 2. (The state attorney general issued this certification on June 24, 2022).
Idaho	Idaho Code § 18-622	Becomes active 30 days after the Supreme Court restores state authority to prohibit abortion.
Kentucky	Ky. Rev. Stat. § 311.772	
Louisiana	La. Rev. Stat. Ann. § 40:1061, amended by S.B. 342, 2022 Leg., Reg. Sess. (La. 2022) and S.B. 388, 2022 Leg., Reg. Sess. (La. 2022)	
Mississippi	Miss. Code § 41-41-45	Becomes active 10 days after attorney general publishes a determination that the Supreme Court has overruled <i>Roe v. Wade</i> . (The state attorney general issued this certification on June 27, 2022.)
Missouri	Mo. Rev. Stat. § 188.017	Becomes active following notification by the attorney general, proclamation by the governor, or adoption of a concurrent resolution by the Missouri general assembly that the Supreme Court has overruled <i>Roe v. Wade</i> . (A proclamation was issued by the governor, and notification provided by the state attorney general, on June 24, 2022).
North Dakota	N.D. Cent. Code § 12.1-31-12	Becomes active 30 days after the attorney general certifies that the Supreme Court has overruled <i>Roe v. Wade</i> . (The state attorney general provided this certification on June 28, 2022.)
Oklahoma	Okla. Stat. tit. 63, § 1-731.4. Conditional repeal of Oklahoma abortion laws in S.B. 918, 2021 Leg., Reg. Sess. (Okla. 2021), amended by S.B. 1555, 2022 Leg., Reg. Sess. (Okla. 2022), and abortion ban in S.B. 612, 2022 Leg., Reg. Sess. (Okla. 2022)	Becomes active after the attorney general certifies that the Supreme Court has overruled <i>Roe v. Wade</i> . Oklahoma also passed legislation banning abortion which is enforced through private civil action: H.B. 4327, 2022 Leg., Reg. Sess. (Okla. 2022). (The state attorney general issued this certification on June 24, 2022.)
South Dakota	S.D. Codified Laws § 22-17-5.1	Contingency at 2005 S.D. Laws ch. 188, § 1.

State	Law Code	Notes
Tennessee	Tenn. Code Ann. § 39-15-213	Becomes active 30 days after the Supreme Court has overruled <i>Roe v. Wade</i> . Contingency at 2019 Pub. Acts, C. 351, § 3.
Texas	Tex. Health & Safety Code § 170A.002	Becomes active 30 days after the Supreme Court has overruled <i>Roe v. Wade</i> . Contingency at Acts 2021, 87th Leg., ch. 800, § 3.
Utah	Utah Code Ann. § 76-7a-201	Becomes active after the legislative general counsel certifies that a court of binding authority has held that a state may prohibit abortion. Contingency at 2020 Ut. S.B. 174, § 4. (The legislative general counsel issued this certification on June 24, 2022.)
Wyoming	H.B. 92, 66th Leg., 2022 Budget Sess. (Wyo. 2022) amending Wyo. Stat. § 35-6-102	Becomes active 5 days after the governor, on advice of the attorney general, certifies that the Supreme Court has overruled <i>Roe v. Wade</i> .

Source: Based on a search in the Lexis+ subscription database for state laws containing (“supreme court” /p abortion) OR “roe v. wade” OR (abortion /s contingent!). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Table 2. Pre-Roe Abortion Laws Banning Abortion

Laws passed prior to *Roe v. Wade* and still in effect

State	Law Code	Notes
Alabama	Ala. Code § 13A-13-7	Alabama also passed new legislation in 2019 banning abortion: 2019 Ala. Laws, Act 189, § 4, codified at Ala. Code § 26-23H-4.
Arizona	Ariz. Rev. Stat. § 13-3603	
Arkansas	Ark. Code Ann. § 5-61-102	Arkansas also passed new legislation in 2021 banning abortion: 2021 Ark. Acts, Act 309, § 1, codified at Ark. Code Ann. § 5-61-404.
Michigan	Mich. Comp. Laws Serv. § 750.14	
Mississippi	Miss. Code Ann. § 97-3-3	
Oklahoma	Okla. Stat. tit. 21, § 861	
Texas	Tex. Rev. Civ. Stat. arts. 4512.1-.4, .6	
West Virginia	W. Va. Code § 61-2-8	
Wisconsin	Wis. Stat. Ann. § 940.04	

Source: Based on a search in the Lexis+ subscription database for state laws containing (abort! OR pregnan! OR unborn) /p (unlawful OR convic* OR punish* OR imprison* OR guilty OR felony).

Table 3. “Heartbeat” Laws

Laws prohibiting abortion when cardiac activity has been detected, generally six weeks’ gestational age

State	Law Code	Notes
Arkansas	Ark. Code Ann. § 20-16-1304	Prohibits abortion where (1) heartbeat has been detected and (2) gestational age is 12 weeks or greater.
Georgia	Ga. Code Ann. § 16-12-141(b), amended by H.B. 481, 155th Gen. Assemb., Reg. Sess. (Ga. 2019)	
Idaho	Idaho Code § 18-8804	Idaho also passed legislation enforced through private civil action: S.B. 1309, 66th Leg., 2d Reg. Sess. (Idaho 2022).
Iowa	Iowa Code § 146C.2	
Kentucky	Ky. Rev. Stat. § 311.7706	
Louisiana	La. Rev. Stat. Ann. § 40:1061.1.3, amended by S.B. 342, 2022 Leg., Reg. Sess. (La. 2022)	
Mississippi	Miss. Code Ann. § 41-41-34.1	
North Dakota	N.D. Cent. Code § 14-02.1-05.2	
Ohio	Ohio Rev. Code Ann. § 2919.195	
Oklahoma	Okla. Stat. tit. 63, § 1-731.3	Oklahoma also passed legislation enforced through private civil action: S.B. 1503, 2022 Leg., Reg. Sess. (Okla. 2022).
South Carolina	S.C. Code Ann. § 44-41-680	
Tennessee	Tenn. Code Ann. § 39-15-216(c)(1)	Includes provisions banning abortion at 6, 8, 10, 12, 15, 18, 20, 21, 22, 23, and 24 weeks’ gestational age. Tenn. Code Ann. § 39-15-216(c)(2)-(12).
Texas	Tex. Health & Safety Code § 171.204	

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion /s weeks /s (6 OR six) OR (abortion /p (heartbeat OR cardiac OR pulse)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Notes: See CRS Legal Sidebar LSB10651, *The Texas Heartbeat Act (S.B. 8)*, *Whole Woman’s Health v. Jackson*, and *United States v. Texas: Frequently Asked Questions*, by Joanna R. Lampe and Jon O. Shimabukuro

Table 4. Eight Weeks

Laws prohibiting abortion after eight weeks’ gestational age

State	Law Code	Notes
Missouri	Mo. Rev. Stat. § 188.056	

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion /s weeks /s (8 OR eight)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Table 5. Fifteen Weeks
Laws prohibiting abortion after fifteen weeks' gestational age

State	Law Code	Notes
Arizona	S.B. 1164, 55th Leg., 2d Reg. Sess. (Ariz. 2022) amending Ariz. Rev. Stat. § 36-2322	
Florida	H.B. 5, 2022 Leg., Reg. Sess. (Fla. 2022) amending Fla. Stat. Ann. § 390.0111	
Kentucky	H.B. 3, 2022 Gen. Assemb., Reg. Sess. (Ky. 2022) amending Ky. Rev. Stat. § 311.782	
Louisiana	La. Rev. Stat. Ann. § 14:87(D)(2) and S.B. 342, 2022 Leg., Reg. Sess. (La. 2022)	
Mississippi	Miss. Code Ann. § 41-41-191(4)	

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion /s weeks /s (15 OR fifteen)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Table 6. Eighteen Weeks
Laws prohibiting abortion after eighteen weeks' gestational age

State	Law Code	Notes
Arkansas	Ark. Code Ann. § 20-16-2004(b)	
Utah	Utah Code Ann. § 76-7-302.5	
Missouri	Mo. Rev. Stat. § 188.058	

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion /s weeks /s (18 OR eighteen)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Table 7. Twenty or Twenty-Two Weeks
Laws prohibiting abortion after 20 to 22 weeks' gestational age (see notes below)

State	Law Code	Notes
Alabama	Ala. Code § 26-23B-5	20 weeks' post-fertilization age
Arizona	Ariz. Rev. Stat. § 36-2159	20 weeks' gestational age
Arkansas	Ark. Code Ann. § 20-16-1405	20 weeks' post-fertilization age
Idaho	Idaho Code § 18-505	20 weeks' post-fertilization age
Indiana	Ind. Code Ann. § 16-34-2-1	20 weeks' post-fertilization age
Iowa	Iowa Code § 146B.2	20 weeks' post-fertilization age
Kansas	Kan. Stat. Ann. § 65-6724	22 weeks' gestational age

State	Law Code	Notes
Louisiana	La. Rev. Stat. Ann. § 40:1061.1, amended by S.B. 342, 2022 Leg., Reg. Sess. (La. 2022)	20 weeks' post-fertilization age
Mississippi	Miss. Code Ann. §§ 41-41-137 & 41-41-141	20 weeks' gestational age
Missouri	Mo. Rev. Stat. § 188.375	20 weeks' gestational age
Montana	Mont. Code Ann. § 50-20-603	20 weeks' gestational age
Nebraska	Neb. Rev. Stat. Ann § 28-3,106	20 weeks' post-fertilization age
North Carolina	N.C. Gen. Stat. § 14-45.1	"the first 20 weeks of a woman's pregnancy"
North Dakota	N.D. Cent. Code § 14-02.1-05.3	20 weeks' post-fertilization age
Ohio	Ohio Rev. Code Ann. § 2919.201	20 weeks' post-fertilization age
Oklahoma	Okla. Stat. tit. 63, § 1-745.5	20 weeks' post-fertilization age
South Carolina	S.C. Code Ann. § 44-41-450	20 weeks' post-fertilization age
South Dakota	S.D. Codified Laws §§ 34-23A-69 & 34-23A-70	20 weeks' post-fertilization age
Texas	Tex. Health & Safety Code § 171.044	20 weeks' post-fertilization age
West Virginia	W. Va. Code §§ 16-2M-2(7) & 16-2M-4	22 weeks' gestational age, which is "generally consistent with the time that is twenty weeks after fertilization"
Wisconsin	Wis. Stat. Ann. § 253.107	20 weeks' post-fertilization age

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion /s weeks /s (20 OR twenty OR 22) OR (abortion /p pain)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Notes: Some of these laws use "post-fertilization age" and some use "gestational age" (measured from the first day of last menstrual period), which are approximately 2 weeks apart. 20 weeks' post-fertilization age is the equivalent of 22 weeks' gestation age. See CRS Report R45161, *Abortion At or Over 20 Weeks' Gestation: Frequently Asked Questions*, coordinated by Matthew B. Barry.

Table 8. Twenty-Four Weeks
Laws prohibiting abortion after 24 weeks

State	Law Code	Notes
Massachusetts	Mass. Ann. Laws ch. 112, § 12M	Does not specify gestational or post-fertilization age
Nevada	Nev. Rev. Stat. Ann. § 442.250	Does not specify gestational or post-fertilization age
New Hampshire	N.H. Rev. Stat. Ann. § 329:44	24 weeks' gestational age
Pennsylvania	18 Pa. Cons. Stat. Ann. § 3211	24 weeks' gestational age

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion /s weeks /s (24 OR "twenty-four" OR "twenty four")*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021 and June 27, 2022.

Author Information

Laura Deal
Law Librarian

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.