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State Laws Restricting or Prohibiting Abortion

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This report provides an overview of existing or recently passed state laws prohibiting or limiting abortion prior to 24 weeks' gestational age. It also identifies “trigger laws” that generally prohibit abortion that went into effect, either automatically or following action by a state official, when the Supreme Court overturned *Roe v. Wade*, as well as new laws passed since June 24, 2022.

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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.¹ This report 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 considered the point of viability, though medical advancements may have moved that point earlier.² The report identifies "trigger laws" that generally prohibit abortion that went into effect, either automatically or following action by a state official, when the Supreme Court overturned *Roe v. Wade*. It also includes new laws passed since June 24, 2022, when the Supreme Court overturned *Roe v. Wade*. This report does not address any exceptions to these restrictions, such as in the case of a medical emergency, rape or incest, or restrictions to specific methods of abortion, such as medication abortion. Links to the full text of statutes listed in this report are available through the Law Librarians' Society of Washington, DC, Legislative Sourcebook.³

Some states appear multiple times in the tables. In some instances, laws may have been enjoined or been ruled unconstitutional, but have not been repealed and removed from state codes. For example, some historical laws that were ruled unconstitutional under *Roe* were never repealed.⁴ In some cases, multiple, overlapping laws may have been intentionally or unintentionally passed by state legislatures.⁵ Additionally, some recently repealed statutes have been included for informational purposes.

As mentioned above, some of the laws below may not currently be in effect due to court injunctions. Some prosecutors have also indicated they intend to use their discretion whether to enforce the laws at the local level.⁶

Methodology and Limitations

CRS searched the Lexis+ subscription database for state laws or recent state legislation (passed between September 1, 2021, and October 16, 2023) that prohibit or limit abortion prior to 24 weeks.

While CRS made every attempt to be comprehensive in its search and review, this report 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

¹ *Roe v. Wade*, 410 U.S. 113 (1973); *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022). See also CRS Legal Sidebar LSB10768, *Supreme Court Rules No Constitutional Right to Abortion in Dobbs v. Jackson Women's Health Organization*, by Jon O. Shimabukuro.

² Pam Belluck, *Viability has Shifted Slightly as Medicine has Advanced*, N.Y. TIMES (Dec. 1, 2021), <https://www.nytimes.com/2021/12/01/us/politics/viability-abortion.html>.

³ Law Librarians' Society of Washington, DC, *State Legislatures, State Laws, and State Regulations: Website Links and Telephone Numbers*, <https://www.llsdc.org/state-legislation> (last visited April 24, 2023).

⁴ See the pre-*Roe* laws listed in Table 1; Julie Bosman, *Century-Old State Laws Could Determine Where Abortion is Legal*, N.Y. TIMES (June 25, 2022), <https://www.nytimes.com/2022/06/27/us/abortion-laws-wisconsin-arizona-roe-overturned.html>.

⁵ Nicole Einbinder and Caroline Haskins, *In Oklahoma, Providers Feel the Brunt of Contradictory Abortion Bans*, BUSINESS INSIDER (June 7, 2022), <https://www.businessinsider.com/five-different-oklahoma-abortion-bans-leave-providers-scrabbling-to-know-whats-legal-2022-6>.; Selena Simmons-Duffin, *3 Abortion Bans in Texas Leave Doctors 'Talking in Code' to Pregnant Patients*, NPR (Mar 1, 2023), <https://www.npr.org/sections/health-shots/2023/03/01/1158364163/3-abortion-bans-in-texas-leave-doctors-talking-in-code-to-pregnant-patients>.

⁶ Joseph Gedeon, *Blue-City Prosecutors in Red State Vow Not to Press Charges Over Abortion*, POLITICO (June 26, 2022), <https://www.politico.com/news/2022/06/26/blue-city-prosecutors-in-red-states-vow-not-to-press-charges-over-abortions-00042415>.

may not contain very recent laws passed by the state legislatures or enacted provisions that are not codified yet, or that were not contained in the Lexis+ legislation database.

Table 1. Laws Prohibiting Abortion Regardless of Gestational Age

This table includes historical laws passed prior to *Roe v. Wade*, post-*Roe* laws including “trigger” laws that were contingent upon *Roe v. Wade* being overturned, and post-*Dodds* laws passed since June 24, 2022

State	Type	Law Code	Notes
Alabama	Pre-Roe Law	Ala. Code §13A-13-7.	
	Post-Roe Law	Ala. Code §26-23H-4.	See also Table 7 .
Arizona	Pre-Roe Law	Ariz. Rev. Stat. §13-3603.	See also Table 5 and Table 7 .
Arkansas	Pre-Roe Law	Ark. Code Ann. §5-61-102.	
	Post-Roe “Trigger” Law	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 2019 Ark. Acts No. 180, §2. (The state attorney general issued this certification on June 24, 2022.)
Idaho	Post-Roe Law	Ark. Code Ann. §5-61-404, enacted by 2021 Ark. Acts No. 309, §1.	See also Table 2 , Table 6 , and Table 7 .
	Post-Roe “Trigger” Law	Idaho Code §18-622, enacted by 2020 Idaho Sess. Laws 827, amended by 2023 Idaho Sess. Laws 906, 907, §2.	Becomes active 30 days after the Supreme Court restores state authority to prohibit abortion. See also Table 2 and Table 7 .
Indiana	Post- <i>Dodds</i> Law	Ind. Code Ann. §16-34-2-1, amended by 2022 Ind. Acts 2595.	Effective September 15, 2022.
Kentucky	Post-Roe “Trigger” Law	Ky. Rev. Stat. §311.772.	See also Table 2 and Table 5 .
Louisiana	Post-Roe “Trigger” Law	La. Rev. Stat. Ann. §40:1061, amended by 2022 La. Acts No. 545 and 2022 La. Acts No. 548.	See also Table 2 , Table 5 , and Table 7 .

State	Type	Law Code	Notes
Michigan	Pre-Roe Law	Mich. Comp. Laws Serv. §750.14. Repealed by 2023 Mich. Pub. Acts No. 11.	On November 8, 2022, Michigan voters approved Proposal 22-3 to amend the state's constitution; the amendment establishes a right to reproductive freedom and allows for abortion until fetal viability. The amendment is scheduled to go into effect 45 days after the date of the election. See Mich. Comp. Laws Serv. Const. Art. I, §28.
Mississippi	Pre-Roe Law Post-Roe "Trigger" Law	Miss. Code Ann. §97-3-3. Miss. Code §41-41-45.	Becomes active 10 days after the 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.) See also Table 2 , Table 5 , and Table 7 .
Missouri	Post-Roe "Trigger" Law	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.) See also Table 3 , Table 6 , and Table 7 .
North Dakota	Post-Roe "Trigger" Law	N.D. Cent. Code §12.1-31-12. Repealed by 2023 N.D. Laws ch. 122, §11.	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.)

State	Type	Law Code	Notes
	Post-Dobbs Law	Enacted by 2023 N.D. Laws ch. 122, §1.	See also Table 2 and Table 7 .
Oklahoma	Pre-Roe Law	Okla. Stat. tit. 21, §861.	
	Post-Roe “Trigger” Law	Okla. Stat. tit. 63, §1-731.4. Conditional repeal of Oklahoma abortion laws in S.B. 918, 58 th Leg., 1 st Reg. Sess., 2021 Okla. Sess. Laws ch. 308, amended by S.B. 1555, 58 th Leg., 1 st Reg. Sess., 2022 Okla. Sess. Laws ch. 133, and abortion ban in S.B. 612, 58 th Leg., 1 st Reg. Sess., 2022 Okla. Sess. Laws ch. 11, §1.	Becomes active after the attorney general certifies that the Supreme Court has overruled <i>Roe v. Wade</i> . (The state attorney general issued this certification on June 24, 2022.)
	Post-Roe Law	Okla. Stat. tit. 63, §1-745.52, enacted by H.B. 4327, 58 th Leg., 1 st Reg. Sess., 2022 Okla. Sess. Laws. ch. 321, §2. Editorially renumbered from §1-745.32 to avoid duplication in numbering.	Law enforced through private civil action, H.B. 4327, 58 th Leg., 1 st Reg. Sess., 2022 Okla. Sess. Laws. ch. 321, §§4-5, codified at Okla. Stat. tit. 63, §§1-745.54-.55. Editorially renumbered from §1-745.34 and .35 to avoid duplication in numbering. See also Table 2 and Table 7 .
South Dakota	Post-Roe “Trigger” Law	S.D. Codified Laws §22-17-5.1.	Contingency at 2005 S.D. Sess. Laws ch. 188, §1. See also Table 7 .
Tennessee	Post-Roe “Trigger” Law	Tenn. Code Ann. §39-15-213, amended by 2023 Tenn. Pub. Acts ch. 313.	Becomes active 30 days after the Supreme Court has overruled <i>Roe v. Wade</i> . Contingency at 2019 Tenn. Pub. Acts ch. 351, §3. See also Table 2 and Table 7 .
Texas	Pre-Roe Law	Tex. Rev. Civ. Stat. arts. 4512.1-.4, .6.	
	Post-Roe “Trigger” Law	Tex. Health & Safety Code §170A.002.	Becomes active 30 days after the Supreme Court has overruled <i>Roe v. Wade</i> . Contingency at 2021 Tex. Gen. Laws ch. 800, §3. See also Table 2 and Table 7 .

State	Type	Law Code	Notes
Utah	Post-Roe “Trigger” Law	Utah Code Ann. §76-7a-201, amended by H.B. 297, 2023 Gen. Sess., 2023 Utah Laws ch. 158, §15 and H.B. 467, 2023 Gen. Sess., 2023 Utah Laws ch. 301, §29, the latter law banning abortions in clinics; to provide abortions, clinics must meet the definition of a hospital under Utah Code §76-7-301(7) or §76-7a-101(5).	Trigger law becomes active after the legislative general counsel certifies that a court of binding authority has held that a state may prohibit abortion. Contingency at S.B. 174, 2020 Gen. Sess., 2020 Utah Laws ch. 279, §3. (The legislative general counsel issued this certification on June 24, 2022.) Ban on abortions in clinics effective May 3, 2023. See also Table 6 .
West Virginia	Pre-Roe Law	W. Va. Code §61-2-8, amended by H.B. 302, 2022 Leg. 3d Extraordinary Sess., 2022 W. Va. Acts ch. 1.	Effective September 13, 2022. See also Table 7 .
	Post-Dodds Law	W. Va. Code §16-2R-3, amended by H.B. 302, 2022 Leg. 3d Extraordinary Sess., 2022 W. Va. Acts ch. 1.	Effective September 13, 2022.
Wisconsin	Pre-Roe Law	Wis. Stat. Ann. §940.04.	See also Table 7 .
Wyoming	Post-Roe “Trigger” Law	Wyo. Stat. Ann. §35-6-102, amended by 2022 Wyo. Sess. Laws 305. Repealed by 2023 Wyo. Sess. Laws 432, 438, §5.	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>. (The state governor issued this certification on July 22, 2022.) Repeal effective March 17, 2023 (see note below).
	Post-Dodds Law	Wyo. Stat. Ann. §35-6-123, enacted by 2023 Wyo. Sess. Laws 432.	On March 17, 2023, Governor Mark Gordon allowed H.B. 152 (2023 Wyo. Sess. Laws 432) to go into law without his signature.

Source: Based on a search in the Lexis+ subscription database for state laws containing the term *abortion* as well as state legislation passed between September 1, 2021, and October 16, 2023.

Note: This table includes repealed laws, which are indicated with a ~~strike through~~.

Table 2. Six Weeks or “Heartbeat” Laws

Laws prohibiting abortion after six weeks’ gestational age or when cardiac activity has been detected, which is 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. See also Table 1 , Table 6 , and Table 7 .
Florida	Fla. Stat. Ann. §390.0111, amended by 2023 Fla. Laws ch. 21.	Law to take effect 30 days after a decision by the Florida Supreme Court that the state constitution does not include a right to abortion, or following a Florida Supreme Court decision upholding the previously passed 15-week ban. Contingency at 2023 Fla. Laws ch. 21, §9. See also Table 5 .
Georgia	Ga. Code Ann. §16-12-141(b).	
Idaho	Idaho Code §18-8804.	Idaho also passed legislation enforced through private civil action: Idaho Code §18-8807, enacted by 2021 Idaho Sess. Laws 867; amended by 2022 Idaho Sess. Laws 368; 2022 Idaho Sess. Laws 532; 2022 Idaho Sess. Laws 535; 2023 Idaho Sess. Laws 603, 608, §4; and 2023 Idaho Sess. Laws 947, 947, §2. Effective May 30, 2023. See also Table 1 and Table 7 .
Iowa	Iowa Code §146C.2 and 2023 Iowa Acts ch. 1.	Iowa enacted a heartbeat prohibition, effective July 14, 2023, which overlaps with an already existing prohibition that was under injunction. See also Table 7 .
Kentucky	Ky. Rev. Stat. §311.7706.	See also Table 1 and Table 5 .
Louisiana	La. Rev. Stat. Ann. §40:1061.1.3, amended by 2022 La. Acts No. 545.	See also Table 1 , Table 5 , and Table 7 .
Mississippi	Miss. Code Ann. §41-41-34.1.	See also Table 1 , Table 5 , and Table 7 .
North Dakota	N.D. Cent. Code §14-02.1-05.2 Repealed by 2023 N.D. Laws ch. 122, §11.	See also Table 1 and Table 7 .
Ohio	Ohio Rev. Code Ann. §2919.195.	See also Table 7 .

State	Law Code	Notes
Oklahoma	Okla. Stat. tit. 63, §1-731.3.	Oklahoma also passed legislation enforced through private civil action: S.B. 1503, 2022 Leg., Reg. Sess., 2022 Okla. Sess. Laws ch. 190, §§3-4, 8, codified at Okla. Stat. tit. 63, §§1-745.33-.34, .38, See also Table I and Table 7 .
South Carolina	S.C. Code Ann. §44-41-630, as amended by 2023 S.C. Acts No. 70.	Effective May 25, 2023. See also Table 7 .
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). See also Table I and Table 7 .
Texas	Tex. Health & Safety Code §171.204.	See also Table I and Table 7 .

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion is weeks is (6 OR six) OR (abortion is (heartbeat OR cardiac OR pulse))*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

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. This table includes repealed laws, which are indicated with a ~~strike through~~.

Table 3. Eight Weeks

Laws prohibiting abortion after eight weeks' gestational age

State	Law Code	Notes
Missouri	Mo. Rev. Stat. §188.056.	See also Table I , Table 6 , and Table 7 .

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion is weeks is (8 OR eight)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

Table 4. Twelve Weeks

Laws prohibiting abortion after twelve weeks' gestational age

State	Law Code	Notes
Nebraska	L.B. 574, 108th Leg., 1st Sess. (Neb. 2023).	Effective May 22, 2023. See also Table 7 .
North Carolina	2023 N.C. Sess. Laws No. 2023-14, amended by 2023 N.C. Sess. Laws No. 2023-65, part XIV.	Effective July 1, 2023. See also Table 7 .

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion is weeks is (12 OR twelve)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

Table 5. Fifteen Weeks

Laws prohibiting abortion after fifteen weeks' gestational age

State	Law Code	Notes
Arizona	Ariz. Rev. Stat. §36-2322, amended by 2022 Ariz. Sess. Laws ch. 105.	See also Table 1 and Table 7 .
Florida	Fla. Stat. Ann. §390.0111, amended by 2022 Fla. Laws ch. 69.	Conditionally repealed by 2023 Fla. Laws ch. 21. See also Table 2 .
Kentucky	Ky. Rev. Stat. §311.782, amended by 2022 Ky. Acts ch. 210.	See also Table 1 and Table 2 .
Louisiana	La. Rev. Stat. Ann. §§14:87.1(16) and 14:87.8, as amended by 2022 La. Acts 545.	See also Table 1 , Table 2 , and Table 7 .
Mississippi	Miss. Code Ann. §41-41-191(4).	See also Table 1 , Table 2 , and Table 7 .

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion is weeks is (15 OR fifteen)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

Table 6. Eighteen Weeks

Laws prohibiting abortion after eighteen weeks' gestational age

State	Law Code	Notes
Arkansas	Ark. Code Ann. §20-16-2004(b).	See also Table 1 , Table 2 , and Table 7 .
Missouri	Mo. Rev. Stat. §188.058.	See also Table 1 , Table 3 , and Table 7 .
Utah	Utah Code Ann. §76-7-302.5 Repealed by H.B. 467, 2023 Reg. Sess., 2023 Utah Laws ch. 301, §30.	Repeal effective May 3, 2023. See also Table 1 .

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion is weeks is (18 OR eighteen)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

Note: This table includes repealed laws, which are indicated with a ~~strike through~~.

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. See also Table 1 .
Arizona	Ariz. Rev. Stat. §36-2159.	20 weeks' gestational age. See also Table 1 and Table 5 .
Arkansas	Ark. Code Ann. §20-16-1405.	20 weeks' post-fertilization age. See also Table 1 , Table 2 , and Table 6 .

State	Law Code	Notes
Idaho	Idaho Code §18-505.	20 weeks' post-fertilization age. See also Table 1 and Table 2 .
Iowa	Iowa Code §146B.2.	20 weeks' post-fertilization age. See also Table 2 .
Kansas	Kan. Stat. Ann. §65-6724.	22 weeks' gestational age.
Louisiana	La. Rev. Stat. Ann. §40:1061.1.2(E), as amended by 2022 La. Acts No. 545.	20 weeks' post-fertilization age. See also Table 1 , Table 2 , and Table 5 .
Mississippi	Miss. Code Ann. §§41-41-137 & 41- 41-141.	20 weeks' gestational age. See also Table 1 , Table 2 , and Table 5 .
Missouri	Mo. Rev. Stat. §188.375.	20 weeks' gestational age. See also Table 1 , Table 3 , and Table 6 .
Montana	Mont. Code Ann. §50-20-603.	20 weeks' gestational age.
Nebraska	Neb. Rev. Stat. Ann §28-3,106.	20 weeks' post-fertilization age. See also Table 4 .
North Carolina	N.C. Gen. Stat. §14-45.1 Repealed by 2023 N.C. Sess. Laws No. 2023-14, effective July 1, 2023.	"the first 20 weeks of a woman's pregnancy." See also Table 4 .
North Dakota	N.D. Cent. Code §14-02.1-05.3 Repealed by 2023 N.D. Laws ch. 122, §11.	20 weeks' post-fertilization age. See also Table 1 and Table 2 .
Ohio	Ohio Rev. Code Ann. §2919.201.	20 weeks' post-fertilization age. See also Table 2 .
Oklahoma	Okla. Stat. tit. 63, §1-745.5.	20 weeks' post-fertilization age. See also Table 1 and Table 2 .
South Carolina	S.C. Code Ann. §44-41-450.	20 weeks' post-fertilization age. See also Table 2 .
South Dakota	S.D. Codified Laws §§34-23A-69 & 34-23A-70.	20 weeks' post-fertilization age. See also Table 1 .
Tennessee	Tenn. Code Ann. §39-15-212.	20 weeks' gestational age. See also Table 1 and Table 2 .
Texas	Tex. Health & Safety Code §171.044.	20 weeks' post-fertilization age. See also Table 1 and Table 2 .
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." See also Table 1 .
Wisconsin	Wis. Stat. Ann. §253.107.	20 weeks' post-fertilization age. See also Table 1 .

Source: Based on a search in the Lexis+ subscription database for state laws containing (*abortion is weeks is (20 OR twenty OR 22) OR (abortion is pain)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

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 two weeks apart. Twenty 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. This table includes repealed laws, which are indicated with a ~~strikethrough~~.

Table 8. Twenty-Four Weeks

Laws prohibiting abortion after 24 weeks’ gestational age.

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 is weeks is (24 OR “twenty-four” OR “twenty four”)*). The same search was performed in Lexis+ for state legislation passed between September 1, 2021, and October 16, 2023.

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