

State Abortion Laws

Background

The U.S. Supreme Court's recent [decision](#) in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, eliminating the constitutional right to an abortion and federal standards for accessing these services. In doing so, *Dobbs* grants states authority to either protect or restrict access to abortion care services.

Abortion laws currently vary widely across states ranging from complete abortion bans with criminal penalties to no abortion restrictions and protections for providers who perform them.

Related legislation will likely be considered by several states during the 2023 legislative session.

States With More Restrictive Abortion Laws

Sixteen states currently have more restrictive laws, either banning both medication and procedural abortions or placing gestational limits on abortion ranging from six to 20 weeks.

Bans. After the *Dobbs* decision, two states ([Indiana](#) and [West Virginia](#)) enacted legislation prohibiting abortion. An additional 13 states had

“trigger” laws that took effect after the decision, but some of these laws are not currently in effect due to pending litigation (see Fig. 1).

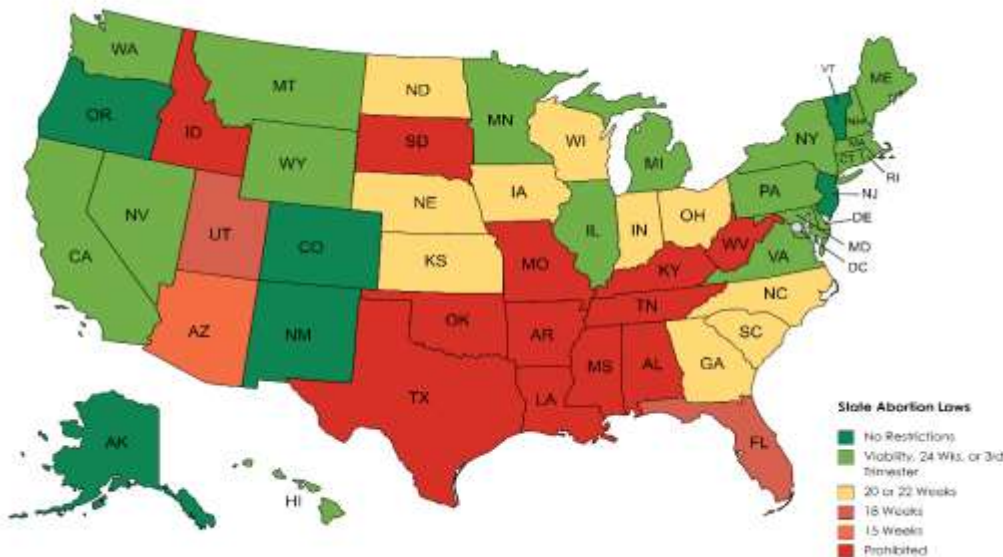
Generally, these laws prohibit abortion at any stage of pregnancy except in specified situations, such as when necessary to protect the pregnant woman from death or serious medical conditions.

These states' laws establish criminal penalties for physicians or other individuals who provide or assist in an illegal abortion. Most of them do not authorize criminal charges against a pregnant woman who receives or seeks an abortion.

Fig. 1: States With Trigger Ban Laws in Effect

❖ Arkansas	❖ Missouri
❖ Idaho	❖ Oklahoma
❖ Kentucky	❖ S. Dakota
❖ Louisiana	❖ Tennessee
❖ Mississippi	❖ Texas

Pending Court Decisions. Abortion bans are currently stayed pending litigation in 10 states: Arizona, Georgia, Indiana, Iowa, Michigan, Montana, North Dakota, Ohio, South Carolina, Utah, and Wyoming.



Source: [Guttmacher Institute](#) and [Congressional Research Services](#)

States With Less Restrictive Abortion Laws

Twenty-five states currently have less restrictive abortion laws. Nineteen of these states, including Connecticut, allow abortion prior to the viability of the fetus (approximately 24 weeks of pregnancy) or up to the third trimester of pregnancy (see Fig. 2). Six states (Alaska, Colorado, New Jersey, New Mexico, Oregon, and Vermont) allow access to abortion throughout pregnancy.

Fig. 2: States Allowing Pre-Viability or 3rd Trimester Abortion

❖ California	❖ Minnesota
❖ Connecticut	❖ Montana
❖ Delaware	❖ Nevada
❖ Hawaii	❖ New Hampshire
❖ Illinois	❖ New York
❖ Maine	❖ Pennsylvania
❖ Maryland	❖ Rhode Island
❖ Massachusetts	❖ Washington
❖ Michigan	❖ Wyoming

Constitutional Amendments. State supreme courts in at least [10 states](#) have ruled that their

Constitutional Amendments.

Four states (Alabama, Louisiana, Tennessee, and West Virginia) passed constitutional amendments in November 2022 explicitly stating that the state does not secure or protect the right to an abortion or allow the use of public funds for abortion care services.

states' constitution recognizes abortion rights through right to privacy and due process provisions. However, in November 2022, California, Michigan, and Vermont became the first states to adopt constitutional amendments expressly protecting the right to abortion without state interference.

Provider Protections. At least 11 states (California, Colorado, Connecticut, Delaware, Maine, Massachusetts, Michigan, New Jersey, New York, Vermont, and Washington) recently enacted laws or issued executive orders protecting providers and patients who perform, assist, or receive legal abortion care services in those states.

In some cases, these laws establish a cause of action for these individuals against out of state judgements and allow them to recover certain costs they incurred defending them (e.g., costs, expenses, and reasonable attorney's fees).

These laws also limit or prohibit interstate extraditions related to the provision of legal reproductive care services. (For Connecticut's law, see [PA 22-19](#).)

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OLR Report [2022-R-0227](#): State Abortion Laws Enacted Post-Dobbs Decision

OLR Report [2022-R-0250](#): Ectopic Pregnancies and State Abortion Laws

OLR Report [2022-R-0277](#): Connecticut's Laws on Abortion and Contraception



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