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U.S. States Defending Human Life in the Womb

On June 24, 2022, the U.S. Supreme Court overturned the 1973 *Roe v. Wade* and 1992 *Planned Parenthood v. Casey* decisions ruling that the Constitution does not implicitly protect the right to abortion. The High Court sent the abortion issue back to the individual states to regulate.

Many states anticipated the reversal of *Roe v. Wade*, and enacted trigger laws/bans that took effect after the *Dobbs v. Jackson Women's Health Organization* decision overturned *Roe. v Wade*. In addition, some states had pre-*Roe v. Wade* laws reinstated. Since then, many other states have enacted laws prohibiting abortion at various gestational periods. With those laws have come numerous legal challenges where the courts have blocked enforcement of those laws while those challenges are adjudicated.

Here's where all 50 states currently stand regarding protecting unborn life in the womb:

Near-total abortion bans (17)

- 12 states active / 5 states blocked amid legal challenges

Six-week fetal heartbeat laws (6)

- 2 states active / 4 states blocked amid legal challenges

12-week gestational ban (2)

- 1 state active / 1 state takes effect July 1, 2023

15-week gestational ban (3)

- 0 states active / 3 states blocked amid legal challenges

18-week gestational ban (1)

- 1 state active

20-week gestational ban (6)

- 5 states active / 1 blocked amid legal challenges

Viability ban (about 24 weeks) (18)

- 18 states active

No abortion restrictions (7)

Viability is the ability of a baby to survive outside the womb. According to the [American College of Obstetricians and Gynecologists](#), doctors typically consider the 24-week mark to be the point of potential viability.

States with enacted laws protecting unborn life:

(Updated June 15, 2023)

Alabama

In effect: **Near-Total Ban (After Conception)**

[“The Alabama Human Life Protection Act”](#)

- Bans abortion after conception, with exceptions.
- Exceptions: medical emergencies, ectopic pregnancies, lethal anomalies where the child would not survive shortly after birth or be stillborn, and serious health risks to the life of the unborn child’s mother.
- Makes it a felony for health care professionals to perform or attempt an abortion.

Alaska

None. Abortion is legal at any stage of pregnancy. The Alaska Supreme Court [ruled](#) in 1997 that abortion is a legal right under the state’s constitution. Partial birth abortion also allowed to save the life of the child’s mother.

Arizona

In effect: **15-Week Ban**

[SB 1164](#)

- Bans abortions after 15 weeks gestational age, with exceptions for medical emergencies threatening the life of the unborn child’s mother.
- No exceptions for rape or incest.

***Near Total Ban:**

1864 Law

- Bans abortion after conception, with exceptions for endangerment to the life of the unborn child’s mother.

***Temporarily blocked from reinstatement by the Arizona Court of Appeals in favor of a 15-week ban law currently in place.**

Arkansas

In effect: **Near Total Ban (After Conception)**

[SB 6](#)

- Bans abortion after conception, with exceptions for medical emergencies threatening the life of the unborn child's mother.
- Makes it a felony to perform or attempt an abortion.

California

Abortion is banned at viability (about 24 weeks). The state's constitution was amended in November 2022 to protect abortion.

[State Constitutional Amendment](#)

- In California, a pregnancy becomes [viable](#) when a doctor determines that the child could live outside the uterus without extreme medical measures. A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortions can take place after viability in cases of medical emergencies or endangerment to the life of the unborn child's mother.

Colorado

None. Abortion is unrestricted and legal at any stage of pregnancy.

Connecticut

Abortion is banned at viability (about 24 weeks).

[State Law 19a-600](#)

- In Connecticut, a pregnancy becomes [viable](#) when the child could live outside the womb. A baby is typically considered viable at about 24-weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

Delaware

Abortion is banned at viability (about 24 weeks).

[State Law 24-27-1790](#)

- A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother, or for a fetal abnormality for which there is not a

reasonable likelihood of the baby's sustained survival outside the uterus without extraordinary medical measures.

Florida

In effect: ***15-Week Ban:**

[HB 5](#)

- Bans abortion after 15 weeks gestational age, with exceptions to preserve the life or health of the unborn child's mother, or for a fatal fetal abnormality, where regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.
- Makes it a felony to perform or attempt an abortion.

***6-Week Ban ("Heartbeat Law")**

["The Heartbeat Protection Act"](#) (Not yet in effect)

- Bans abortion after six weeks gestational age, with exceptions.
- Exceptions: Rape, incest, or human trafficking, or to preserve the life or health of the unborn child's mother, or for a fatal fetal anomaly, where regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb and will result in death upon birth or imminently thereafter.

***Florida's 15-week ban is being challenged in the Florida Supreme Court but remains in effect. In 1989, the Florida Supreme Court ruled that the Florida constitution's right to privacy section protected abortion up to 15 weeks. If the Florida High Court overturns that ruling in the legal challenge, then the "Heartbeat Protection Act's" 6-week ban is set to take effect.**

Georgia

In effect: **6-Week Ban ("Heartbeat Law")**

["Living Infants Fairness and Equality \(LIFE\) Act"](#)

- Bans abortion after a detectable human heartbeat, which can be detected as early as six weeks gestational age.
- Exceptions: Medical emergencies to the life and health of the mother; Fatal fetal anomaly where an unborn child is medically determined to have a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.
- Allows abortion up to 20 weeks for rape or incest if a police report was filed.

Hawaii

Abortion is banned at viability (about 24 weeks).

[State Law 453-16](#)

- A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

Idaho

In effect: **Near Total Ban (After Conception)**

[SB 1385](#)

- Bans abortion after conception, with exceptions.
- Exceptions: Abortion is permitted to prevent the death of the unborn child's mother, and in cases of rape or incest that has been reported to law enforcement.
- Makes it a felony to perform or attempt an abortion.

Abortion Trafficking

[HB 242](#)

- Makes it a felony for any adult who helps a minor undergo an abortion in another state without parental consent.

Illinois

Abortion is banned at viability (about 24 weeks).

[State Law 775 ILCS 55](#)

- A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

Indiana

In effect: **20-Week Ban**

[State Law IC-34-2-1](#)

- Bans abortion after 20 weeks (or 22 weeks after the mother's last menstrual period).

***Near Total Ban (After Conception)**

[SB 1](#)

- Bans abortion after conception, with exceptions.
- Exceptions: Abortion is permitted to prevent the death of the unborn child's mother; permitted up to 20 weeks for lethal fetal anomalies; and permitted up to 10 weeks for rape or incest.

***Indiana's SB 1 is temporarily blocked by the Indiana Supreme Court.**

Iowa

In effect: **20-Week Ban**

[Iowa Code 146B.2](#)

- Bans abortion after 20 weeks gestational age (or 22 weeks after the mother's last menstrual period), with exceptions.
- Exception: to preserve the life and health of the unborn child's mother.

***6-Week Ban ("Heartbeat Law")**

[Senate File 359](#)

- Bans abortion after a detectable human heartbeat, which can be detected as early as six weeks gestational age.
- Exceptions: Medical emergencies to the life of the mother; Fatal fetal anomaly that is incompatible with sustaining life after birth.
- Allows abortion up to 7 weeks for rape or 20 weeks for incest if a police report was filed.

***Iowa's "heartbeat law" was enacted in 2018 before *Roe v. Wade* was overturned and was permanently blocked by the courts. Iowa Governor Kim Reynolds has since petitioned the Iowa Supreme Court to reinstate the "heartbeat law." The Court is expected to decide in June 2023.**

Kansas

Abortion is banned at viability (about 24 weeks). The Kansas Supreme Court [ruled](#) in April 2019 that the Kansas Constitution protects abortion.

[Kan. Stat. 65-6703](#)

- A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

Kentucky

In effect: **Near Total Ban (After Conception)**

[HB 148](#)

- Bans abortion after conception, with the exception to preserve the life or health of the unborn child's mother.
- Makes it a felony to perform or attempt an abortion.

[HB 5](#)

- Prohibits an abortion based on the unborn child's sex, race, color, national origin, or disability, except in the case of a medical emergency.

Louisiana

In effect: **Near Total Ban (After Conception)**

[SB342](#)

- Bans abortion after conception, with exceptions.
- Exceptions: to preserve the life or health of the unborn child's mother; Fatal fetal anomaly where an unborn child is medically determined to have a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.

Maine

Abortion is banned at viability (about 24 weeks).

[MRS Title 22-263-B-1591](#)

- A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

Maryland

Abortion is banned at viability (about 24 weeks).

[State Law 24-27-1790](#)

- A baby is typically considered viable at about 24 weeks.
- Exceptions: Abortion can take place after viability to preserve the life or health of the unborn child's mother, or if the baby is affected by a genetic defect or serious deformity or abnormality.

Massachusetts

In effect: **24-Week Ban**

[State Law Title XVI-112-12N](#)

- Bans abortion after 24 weeks gestational age, with exceptions.
- Exceptions: to preserve the life of the mother; a lethal fetal abnormality; or if the fetus is incompatible with life outside the uterus without extraordinary efforts.

Michigan

Abortion is banned at viability (about 24 weeks). In November 2022, Michigan voted to amend the state's constitution to include the right to abortion.

[State Law 333.17015](#) / [State Law 333.17516](#)

- A baby is typically considered viable at about 24 weeks.
- Exception: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

Minnesota

None. Abortion is unrestricted and legal at any stage of pregnancy. In 1995, the Minnesota Supreme Court [ruled](#) the state constitution recognizes the right to abortion.

Mississippi

In effect: **Near Total Ban (Fetal Heartbeat)**

[SB 2116](#)

- Bans abortion in all cases when a fetal heartbeat is detected, with exceptions.
- Exceptions: to preserve the life of the unborn child's mother; in cases of rape and a police report has been filed.

Missouri

In effect: **Near Total Ban (Conception)**

[Title XII, Section 188.017](#)

- Bans abortion in all cases except for a medical emergency.
- Makes it a felony to perform an abortion.

Montana

Abortion is banned at viability (about 24 weeks). In 1999, the Montana Supreme Court [ruled](#) the state's constitution protects abortion under its privacy rights.

[Montana Code 50-20-102](#)

- A baby is typically considered viable at about 24 weeks.
- Exception: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

***15-Week Ban**

[“The Dismemberment Abortion Prohibition Act”](#)

- Bans dilation and evacuation abortions after 15 weeks gestational age, with exceptions.
- Exceptions: in a medical emergency to preserve the life and health of the mother where the unborn child would not survive outside the womb.

***The 15-Week ban is under a temporary restraining order by a Montana District Court until a legal challenge is adjudicated.**

****20-Week ban:**

[Pain-Capable Unborn Child Protection Act](#)

- Bans abortion at 20 weeks gestational age, with the exception to prevent a serious health risk to the unborn child's mother.

****Ultrasound/Heartbeat**

[HB 140](#)

- Requires abortion providers to offer ultrasound images and sounds of the fetal heartbeat to abortion seekers before undergoing an abortion.

****Chemical Abortion**

["Montana Abortion-Inducing Drug Risk Protocol Act"](#)

- Requires that chemical abortion drugs be provided only by a qualified medical practitioner and not after 70 days (10 weeks) from the woman's last menstrual period.

****Blocked by the Montana Supreme Court.**

Nebraska

In effect: **12-Week Ban**

["The Preborn Child Protection Act"](#)

- Bans abortion after 12 weeks gestational age, with exceptions.
- Exceptions: Abortions may be performed after 12 weeks in cases of medical emergencies, sexual assault, or incest.

Nevada

Abortion is banned at viability (about 24 weeks). In 1990, voters in Nevada approved a law that upholds abortion in the state.

[Nevada Code 442.250](#)

- Bans abortion after 24 weeks gestational age with the exception of preserving the life or health of the unborn child's mother.

New Hampshire

Abortion is banned at viability (about 24 weeks).

["Fetal Life Protection Act"](#)

- Bans abortion after 24 weeks gestational age, with exceptions.

- Exceptions: to preserve the life or health of the unborn child's mother; fetal abnormalities incompatible with life after birth.

New Jersey

None. Abortion is legal at any stage of pregnancy. In 2022, New Jersey enacted a [law](#) guaranteeing women the right to an abortion in the state.

New Mexico

None. Abortion is legal at any stage of pregnancy.

New York

Abortion is banned at viability (about 24 weeks).

[S2796](#)

- Bans abortion after 24 weeks gestational age, with exceptions.
- Exceptions: to preserve the life or health of the unborn child's mother; absence of fetal viability.

North Carolina

In effect: **20-Week Ban**

- Bans abortion after 20 weeks gestation age with an exception of a medical emergency threatening the life of the unborn child's mother.

12-Week Ban (Takes effect July 1, 2023)

[SB 20](#)

- Bans abortion after 12 weeks gestational age, with exceptions.
- Allows for abortion through 20 weeks in cases of rape or incest.
- Allows for abortion through 24 weeks if physicians detect a life-limiting anomaly.
- Exceptions: to preserve the life or health of the unborn child's mother.

North Dakota

In effect: **Near Total Ban (Conception)**

[SB 2150](#)

- Bans abortion in all cases except to preserve the life of the unborn child's mother, or for rape or incest if the gestational age is six weeks or less.
- Makes it a felony to perform an abortion.

Ohio

In effect: **20-Week Ban**

[SB 127](#)

- Bans abortion at 20 weeks gestational age, with an exception for a medical emergency to preserve the life and health of the unborn child's mother.

***6-Week Ban ("Heartbeat Law")**

[HB 69](#)

- Bans abortion in all cases when a fetal heartbeat is detected, with the exception for a medical emergency to preserve the life and health of the unborn child's mother.
- Makes it a felony to perform an abortion.

***Temporarily blocked by a preliminary injunction while the Ohio Supreme Court reviews a legal challenge to the law.**

Oklahoma

In effect: **Near Total Ban (Conception)**

[SB 612](#)

- Bans abortion, with the exception for a medical emergency to preserve the life and health of the unborn child's mother.
- Makes it a felony to perform an abortion.

Oregon

None. Abortion is legal at any stage of pregnancy. Oregon's state constitution protects abortion.

Pennsylvania

Abortion is banned at viability (about 24 weeks).

[Pennsylvania Code 18-3201](#)

- Bans abortion after 24 weeks gestational age, with the exception to preserve the life and health of the unborn child's mother.

Rhode Island

Abortion is banned at viability (about 24 weeks).

[Rhode Island Code 23-4.13-2](#)

- A baby is typically considered viable at about 24 weeks.
- Exception: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

South Carolina

In effect: **20-Week Ban**

[South Carolina Code 44-41-610](#)

- Bans abortion after 20 weeks gestational age, with the exception to preserve the life and health of the unborn child's mother.

***6-Week Ban ("Heartbeat Law")**

[S 474](#)

- Bans abortion in all cases when a fetal heartbeat is detected, with exceptions.
- Exceptions: to preserve the life and health of the unborn child's mother; fatal fetal anomalies.
- Abortion is allowed before 12 weeks or pregnancy for rape or incest.

***Temporarily blocked by a preliminary injunction while the South Carolina Supreme Court reviews the state constitutionality of the law.**

South Dakota

In effect: **Near Total Ban (Conception)**

[South Dakota Code 22-17-5.1](#)

- Bans abortion in all cases with the exception of preserving the life of the unborn child's mother.
- Makes it a felony to perform an abortion.

Tennessee

In effect: **Near Total Ban (Conception)**

[“Human Life Protection Act”](#)

- Bans abortion in all cases with the exception to preserve the life or health of the unborn child’s mother.
- Makes it a felony to perform an abortion.

Texas

In effect: **Near Total Ban (Conception)**

[HB1280](#)

- Bans abortion in all cases with the exception to preserve the life or health of the unborn child’s mother.
- Makes it a first-degree felony to perform an abortion and is punishable by up to life in prison.

Utah

In effect: **18-Week Ban**

[HB 136](#)

- Bans abortion at 18 weeks gestational age, with exceptions.
- Exceptions: to preserve the life or health of the unborn child’s mother; rape or incest reported to law enforcement; and for fatal fetal defect or anomaly.

***Near Total Ban (Conception)**

[SB 174](#)

- Bans abortion in Utah, with exceptions.
- Exceptions: to preserve the life or health of the unborn child’s mother; rape or incest; fatal fetal defect.
- Makes it a felony to perform an abortion.

***Blocked by a preliminary injunction while the Utah Supreme Court adjudicates a legal challenge to the law.**

Vermont

None. Abortion is legal at any stage of pregnancy. In November 2022, Vermont voters [amended](#) the Vermont state constitution protecting the right to abortion.

Virginia

In effect: **28-Week Ban (3rd trimester only)**

[Virginia Code 18.2-74](#)

- Bans abortion at 28 weeks gestational age (beginning of 3rd trimester) with the exception to preserve the life or health of the unborn child's mother.

[Virginia code 18.2-71.1](#)

- Allows partial-birth abortion to prevent the death of the child's mother.

Washington

Abortion is banned at viability (about 24 weeks).

[Washington Code 9.02.100](#)

- A baby is typically considered viable at about 24 weeks.
- Exception: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

West Virginia

In effect: **Near Total Ban (Conception)**

[West Virginia Code 61-2-8](#)

- Bans abortion, with exceptions.
- Exceptions: to preserve the life of the unborn child's mother, the pregnancy is ectopic; the baby is nonviable, or in cases of sexual assault or incest if the gestational age is eight weeks or less.
- Makes it a felony to perform an abortion.

Wisconsin

In effect: ***Near Total Ban (Conception)**

[Wisconsin Code 940.04](#)

- Bans abortion in all cases with the exception to preserve the life or health of the unborn child's mother.
- Makes it a felony to perform an abortion.

***Remains in effect but is being challenged in a Wisconsin Circuit Court as unenforceable.**

Wyoming

Abortion is banned at viability (about 24 weeks).

[Wyoming law 35-6-101](#)

- A baby is typically considered viable at about 24 weeks.
- Exception: Abortion can take place after viability to preserve the life or health of the unborn child's mother.

***Near Total Ban (After Conception)**

[“Life is a Human Right Act”](#)

- Bans abortion, with exceptions.
- Exceptions: to preserve the life or health of the unborn child’s mother; sexual assault or incest; or fatal fetal anomaly.
- Makes it a felony to perform an abortion.

***Blocked by a restraining order from a Wyoming District Court while a legal challenge is adjudicated.**