



THE HUMAN FAMILY
R E S E A R C H C E N T E R

*Every Human Being
Leaves a Fingerprint on the Universe*

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**NEW STUDY REVEALS THAT OVERTURNING ROE WILL NOT IMPACT LEGALITY OF
ABORTION IN MOST STATES**

Thursday, January 21, 2016. The Human Family Research Center, a nonprofit human rights organization, today released a comprehensive study analyzing the current status of state laws on abortion and what would happen if *Roe v. Wade*, the case that legalized abortion throughout the country in 1973, were overruled.

The study concludes that only eleven states (Arizona, Arkansas, Louisiana, Michigan, North Dakota, Oklahoma, Rhode Island, South Dakota, West Virginia, Wisconsin and Texas) would have enforceable laws on the books that would ban abortion. These states represent only 19 percent of the U.S. population. For the rest of the states, new legislation would have to be adopted, or significant state case law precedent would have to be overcome.

“The results of this study will come as a surprise to many Americans,” said Denise Mackura, President of the Center. “Overturning *Roe* and *Doe* would send the issue of when abortion should be permitted back to the American people. It will not result in making abortion illegal for most of the country.”

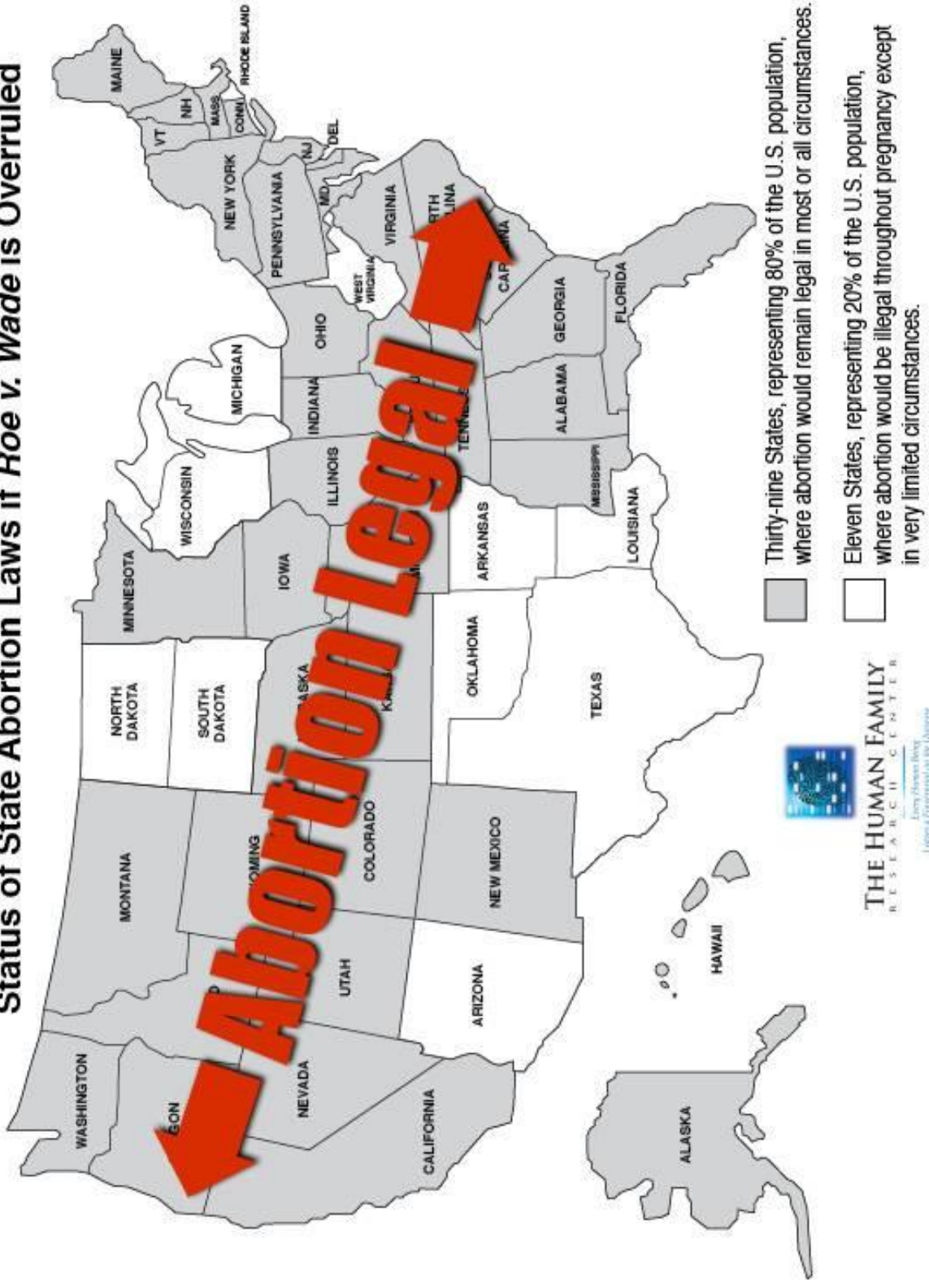
The Center decided to conduct the “**Life After Roe**” study to examine the widespread popular belief that an overruling decision would make abortion illegal throughout the United States, or that an overruling decision would return the country to the state of law that existed when *Roe* was decided on January 22, 1973. As demonstrated by this study, there is no basis in fact for either belief.

“The findings of this study are as important for the general public as they are for our elected officials,” said Ms. Mackura. “Critical legal decisions in the Presidential election should be made on facts we all have access to – not opinion,” Mackura said.

A summary table of the study as well as a post-*Roe* map is attached to this release and can be found on the Center’s website, www.humanfamilyresearch.org.

The mission of the Human Family Research Center is to provide research and advocacy that builds a better understanding of the inalienable value of every human being from the earliest moments of existence and to awaken a need to create a human community that understands the interconnectedness, value and importance of every human being

Status of State Abortion Laws if *Roe v. Wade* is Overruled





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A Summary of State Abortion Prohibition Laws If *Roe v. Wade* Is Overruled*

WHERE ABORTION WOULD BE ALLOWED (39 States, Representing 81% of the U.S Population)

1. States That Have Repealed Their Pre-*Roe* Abortion Prohibitions And Have Not Enacted New Ones

Alaska	Kentucky	North Carolina
California	Maine	Ohio
Colorado	Maryland	Oregon
Connecticut	Minnesota	Pennsylvania
Florida	Missouri	South Carolina
Georgia	Montana	Tennessee
Idaho	Nebraska	Utah
Illinois	Nevada	Virginia
Indiana	New Hampshire	Washington
Iowa	New Jersey	Wyoming
Kansas		

2. States With Pre-*Roe* Laws That Would Not Prohibit Most Abortions**

Alabama	Massachusetts	New York
Delaware	Mississippi	Vermont
Hawaii	New Mexico	

WHERE ABORTION WOULD BE PROHIBITED

(11 States, Representing 19% of the U.S. Population)

1. States That Repealed Their Pre-*Roe* Laws But Have Enacted Laws That Would Prohibit Most Abortions If *Roe v. Wade* Is Overruled

Louisiana (life-of-the-mother, reported rape and incest exceptions)
North Dakota (life-of-the-mother exception)
Rhode Island (life-of-the-mother exception)
South Dakota (life-of-the-mother exception)

2. States With Unrepealed Pre-*Roe* Laws That Would Prohibit Most Abortions If *Roe v. Wade* Is Overruled

Arizona (life-of-the-mother exception)**
Arkansas (no exceptions)
Michigan (life-of-the-mother exception)
Oklahoma (life-of-the-mother exception)
Texas (life-of-the-mother exception)****
West Virginia (life-of-the-mother exception)**
Wisconsin (life-of-the-mother exception)

NOTE: For a complete legal analysis of each state, please refer to "The Legal Status of Abortion in the States if Roe v. Wade is Overruled" by Paul Benjamin Linton. (Issues in Law & Medicine Vol. 27, No. 3, Spring, 2012) The article is also available at: humanfamilyresearch.org.

*Refers only to prohibitions applying throughout pregnancy.

**These States have not repealed their pre-*Roe* Laws but, for reasons varying with each State (the law would allow abortion on demand or for undefined health-related reasons or for mental health reasons, or the law would be unenforceable on state constitutional grounds), the existing laws would not prohibit most abortions.

*** The Arizona and West Virginia laws probably would be enforceable although, because of state court decisions striking down abortion funding restrictions on state constitutional grounds (equal protection), that is not entirely certain. Neither state supreme court decision recognized a state constitutional right to abortion.

****Although the United States Court of Appeals has held that the pre-*Roe* laws *prohibiting* abortion have been repealed by implication by the enactment of post-*Roe* laws *regulating* abortion, the court of appeals' decision would not be binding upon state courts and is not persuasive on its own terms

1/22/15.