



THE HUMAN FAMILY  
RESEARCH CENTER

*Every Human Being  
Leaves a Fingerprint on the Universe*

# **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 States That Have Repealed Their Pre-*Roe* Abortion Prohibitions And Have Not Enacted New Ones**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 States That Repealed Their Pre-Roe Laws But Have Enacted Laws That Would Prohibit Most Abortions If *Roe v. Wade* Is Overruled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](http://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\*\*These States have not repealed their pre-Roe Laws but, for reasons varying with each State (the law would allow abortion on demand or for undefined health-related reasons or for mental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.