

Summary Report

Statutory and Constitutional Right to Abortion

Although *Roe v. Wade* currently protects the right to an abortion at the federal level, certain states have enacted additional legal protections for individuals seeking abortion. Some states have laws prohibiting any interference with a pregnant individual exercising their right to obtain an abortion prior to viability, or when necessary to protect the life and health of the pregnant individual. Additionally, states may have court opinions interpreting provisions of their state constitution to similarly protect the right to an abortion up to viability. No states have an explicit constitutional provision that specifically protects a pregnant individual’s right to seek an abortion.

This dataset is longitudinal, displaying state laws protecting the right to an abortion in effect from December 1, 2018 through October 1, 2021. Learn more at www.lawatlas.org.

	<p>Statute and/or Constitutional Provision Protects the Right to an Abortion</p> <p>As of October 1, 2021, 21 states protect the right to an abortion up to viability by statute and/or constitutional provision, up from 15 states in 2018.</p> <p>Jurisdictions (2021): 21 (AK, CA, CT, DC, DE, FL, HI, IL, KS, MA, MD, ME, MS, MN, MT, NV, NY, OR, RI, VT, WA)</p>
	<p>Constitutional Right to Privacy Protects the Right to an Abortion</p> <p>While there are no state constitutions that explicitly protect the right to an abortion, seven states have right to privacy provisions in their constitutions that have been interpreted by a court to include the right to an abortion.</p> <p>Jurisdictions (2021): 7 (AK, CA, FL, KS, MS, MN, MT)</p>
	<p>State Protects the Right to Abortion Beyond Viability in Certain Circumstances</p> <p>As of October 1, 2021 statutes in eleven states protect the right to an abortion beyond viability to protect the life and health of the pregnant individual, compared to eight states providing that protection in December 2018.</p> <p>Jurisdictions (2021): 11 (CA, CT, DE, HI, MA, MD, ME, NV, NY, RI, WA)</p>