

Abortion Laws

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Issue

This report provides a comparison of Connecticut's abortion laws with those of other states.

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be construed as such.

Summary

Connecticut is one of a small number of states that have enacted laws affirmatively declaring a woman's right to choose an abortion. Connecticut law provides that "the decision to terminate a pregnancy prior to the viability of the fetus shall be solely that of the pregnant woman in consultation with her physician" ([CGS § 19a-602\(a\)](#)).

States have passed laws addressing various aspects of abortion, such as restrictions on the type of procedures; required waiting periods; required parental consent or notice for minors receiving an abortion; and restrictions on abortion after a specified point in pregnancy. In some cases, such laws have been temporarily or permanently enjoined by a court or are otherwise not being enforced pending a court decision.

Over 30 states have passed laws generally prohibiting the use of certain abortion procedures (sometimes termed "partial birth abortions"), although approximately one-third of these laws have been enjoined by a court and thus are not being enforced. Connecticut does not have such a law.

Over 30 states have passed laws generally setting a waiting period for abortions after the woman receives required information or counseling; 27 such laws are currently in effect. Connecticut does not have such a requirement.

Over 30 states, including Connecticut, have laws generally requiring that women receive state-mandated information or materials concerning fetal development, prenatal care, or other related information.

Over 40 states have passed laws generally prohibiting minors from obtaining abortions without parental consent or notice; 37 such laws are in effect. While Connecticut does not have such a law, it generally requires a minor, before getting an abortion, to receive counseling that includes discussing the possibility of consulting her parents.

Fourteen states have laws requiring physicians to perform ultrasounds before a woman may receive an abortion, to determine the viability of a fetus. Connecticut does not.

Finally, over 40 states, including Connecticut, specifically prohibit abortion after viability or a set number of gestational weeks, except under specified circumstances. Connecticut prohibits abortion after viability unless necessary to preserve the woman’s life or health ([CGS § 19a-602\(b\)](#)).

Comparison of Connecticut’s Abortion Law with Other States

Partial Birth Abortion

Over 30 states have enacted laws generally banning “partial birth” abortions (intact dilation and extraction) with limited exceptions. Connecticut is not one of them. Courts have blocked the enforcement of approximately one-third of these laws.

Table 1 lists those states with such laws and those laws that are currently not enforced due to a court order.

Table 1: States with Bans on Partial-Birth Abortion

State	Enjoined/Not Enforced	State	Enjoined/Not Enforced
Alabama	X	Nebraska	X
Alaska	X	New Hampshire	
Arizona		New Jersey	X
Arkansas		New Mexico	
Florida	X	North Dakota	
Georgia		Ohio	
Idaho	X	Oklahoma	
Illinois	X	Rhode Island	X
Indiana		South Carolina	

Table 1 (continued)

State	Enjoined/Not Enforced	State	Enjoined/Not Enforced
Iowa	X	South Dakota	
Kansas		Tennessee	
Kentucky	X	Texas	
Louisiana		Utah	
Michigan		Virginia	
Mississippi		West Virginia	X
Missouri		Wisconsin	X
Montana			

Source: Guttmacher Institute, [An Overview of Abortion Laws](#); state statutes and case law accessed through Westlaw.

Waiting Periods

Over 30 states have passed laws setting mandatory waiting periods that prohibit a woman from obtaining an abortion until a specified period of time after receiving state-mandated information or materials, except in a medical emergency. Twenty-seven states' laws are currently in effect, while a small number have been enjoined or are otherwise not being enforced pending litigation. Connecticut does not have such a law.

Table 2 lists states with mandatory waiting periods and those laws that are currently not enforced due to a court order.

Table 2: State Laws on Waiting Periods for Abortions

State	Waiting Period (hours)	Enjoined/Not Enforced	State	Waiting Period (hours)	Enjoined/Not Enforced
Alabama	48		Montana	24	X
Arizona	24		Nebraska	24	
Arkansas	48		North Carolina	72	
Florida	24	X	North Dakota	24	
Georgia	24		Ohio	24	
Idaho	24		Oklahoma	72	
Indiana	18		Pennsylvania	24	
Iowa	72	X	South Carolina	24	
Kansas	24		South Dakota	72 (not including weekend or holidays)	

Table 2 (continued)

<i>State</i>	<i>Waiting Period (hours)</i>	<i>Enjoined/Not Enforced</i>	<i>State</i>	<i>Waiting Period (hours)</i>	<i>Enjoined/Not Enforced</i>
Kentucky	24		Tennessee	48	
Louisiana	24	24-hour waiting period in effect; 72-hour period not being enforced pending court decision	Texas	24	
Michigan	24		Virginia	24	
Minnesota	24		West Virginia	24	
Mississippi	24		Wisconsin	24	
Missouri	72				

Source: Guttmacher Institute, [Counseling and Waiting Periods for Abortion](#); state statutes and case law accessed through Westlaw.

Informed Consent

Generally, all states require a patient to provide informed consent before undergoing a non-emergency medical procedure or treatment. Informed consent generally means that the patient (1) has the capacity to make his or her own health care decisions and does so voluntarily and (2) is given adequate and appropriate information before doing so.

Connecticut regulation requires a woman seeking an abortion at an outpatient clinic to receive (1) verification of the diagnosis and duration of the pregnancy, including preoperative history and physical examination; (2) information on and an explanation of the procedure; (3) counseling about her decision; (4) lab tests; (5) preventative therapy if she is at risk for Rh sensitization (a pregnancy complication); and (6) an examination of tissue by a pathologist. After receiving consent for an abortion, the outpatient clinic's counselor must offer to answer any questions the patient may have concerning the procedure. The counselor or physician must also provide a thorough explanation of the procedures to be performed along with a full description of the discomforts and risks that may accompany or follow the procedure (Conn. Agency Reg. § [19a-116-1](#)).

Additionally, 35 states have abortion-specific informed consent laws which require that women receive state-mandated information or materials on fetal development, health risks, prenatal care, adoption, or similar matters. These states include Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

All or part of such laws have been enjoined in Florida, Massachusetts, and Montana.

Minors' Access to Abortions

Over 40 states have passed laws that generally prohibit a minor from obtaining an abortion without parental or guardian consent or notice except in medical emergencies. Thirty-seven states' laws are currently in effect; the others were enjoined by a court or are otherwise not being enforced due to litigation. Connecticut does not mandate such consent or notice but it does require that before obtaining an abortion, except in a medical emergency, a minor must receive counseling that includes discussing the possibility of consulting her parents, guardian, or other adult family members ([CGS § 19a-601](#)).

Of the states requiring parental consent or notice, nearly all have a judicial or other bypass provision allowing a minor to obtain a court order in lieu of notifying her parents. Some states also waive the parental consent or notice requirement in other circumstances, such as when the pregnancy is due to sexual assault or incest or a health professional waives the requirement.

Table 3 lists those states with parental consent or notice requirements, as well as those laws that have been enjoined by a court or are otherwise not being enforced due to litigation.

Table 3: State Laws on Minors' Access to Abortions – Parental or Guardian Consent or Notice Requirements

<i>State</i>	<i>Consent or Notice Required</i>	<i>Enjoined/Not Enforced</i>	<i>State</i>	<i>Consent or Notice Required</i>	<i>Enjoined/Not Enforced</i>
Alabama	Consent		Montana	Consent	X
Alaska	Notice	X	Nebraska	Consent	
Arizona	Consent		Nevada	Notice	X
Arkansas	Consent		New Hampshire	Notice	
California	Consent	X	New Jersey	Notice	X
Colorado	Notice		New Mexico	Consent	X
Delaware	Notice		North Carolina	Consent	
Florida	Notice		North Dakota	Consent	
Georgia	Notice		Ohio	Consent	
Idaho	Consent		Oklahoma	Consent	
Illinois	Notice		Pennsylvania	Consent	
Indiana	Consent		Rhode Island	Consent	

Table 3 (continued)

<i>State</i>	<i>Consent or Notice Required</i>	<i>Enjoined/Not Enforced</i>	<i>State</i>	<i>Consent or Notice Required</i>	<i>Enjoined/Not Enforced</i>
Iowa	Notice		South Carolina	Consent	
Kansas	Consent		South Dakota	Notice	
Kentucky	Consent		Tennessee	Consent	
Louisiana	Consent		Texas	Consent	
Maryland	Notice		Utah	Consent	
Massachusetts	Consent		Virginia	Consent	
Michigan	Consent		West Virginia	Notice	
Minnesota	Notice		Wisconsin	Consent	
Mississippi	Consent		Wyoming	Consent	
Missouri	Consent				

Source: Guttmacher Institute, [Parental Involvement in Minors' Abortion](#); state statutes and case law accessed through Westlaw.

Viability Testing and Ultrasounds

According to the [Guttmacher Institute](#), several states require health care providers to test the viability of a fetus before performing an abortion. Fourteen states, including Alabama, Arizona, Florida, Indiana, Iowa, Kansas, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Texas, Virginia, and Wisconsin have laws in effect generally requiring physicians to perform ultrasounds prior to performing an abortion. Courts have permanently enjoined parts of these laws in North Carolina and Oklahoma. A court has also enjoined such a law in Kentucky.

Additionally, 26 states regulate the provision of ultrasounds related to abortions. For example, three states (Louisiana, Texas, and Wisconsin) require physicians to perform an ultrasound on each woman before performing an abortion and show and describe the image to her. Of the 11 other states that currently require physicians to perform such ultrasounds, nine states (Alabama, Arizona, Florida, Indiana, Iowa, Kansas, Mississippi, Ohio, and Virginia) require physicians to offer the woman an opportunity to view the image.

Abortion Bans after Viability or Specified Gestational Weeks

Over 40 states, including Connecticut, have laws that specifically prohibit abortion after viability or a specified number of gestational weeks. Most of these states provide an exception when the abortion is necessary to preserve the woman's life or health. A few states provide an exception only to preserve the woman's life, whereas other states have additional exceptions, such as in cases of severe fetal abnormality.

In at least three states (Arizona, Idaho, and Mississippi), bans at specified points of pregnancy are in effect, but courts have temporarily or permanently enjoined bans that would apply earlier in a woman’s pregnancy. For example, in 2018, Mississippi passed a bill that would generally ban abortions at 15 weeks ([HB 1510](#)). A federal court issued a temporary restraining order blocking the state from enforcing this ban; thus, the current 20-week ban remains in effect.

Connecticut’s law prohibits an abortion from being performed after viability unless it is necessary to preserve the woman’s life or health ([CGS § 19a-602\(b\)](#)).

Table 4 below lists states with such laws and the point at which the bans take effect.

Table 4: Bans on Abortion After Viability or Specified Gestational Weeks

<i>State</i>	<i>When Ban Takes Effect</i>	<i>State</i>	<i>When Ban Takes Effect</i>
Alabama	20 weeks	Missouri	Viability
Arizona	Viability	Montana	Viability
Arkansas	20 weeks	Nebraska	20 weeks
California	Viability	Nevada	24 weeks
Connecticut	Viability	New York	24 weeks
Delaware	Viability	North Carolina	20 weeks
Florida	24 weeks	North Dakota	20 weeks
Georgia	20 weeks	Ohio	20 weeks
Hawaii	Viability	Oklahoma	20 weeks
Idaho	Viability	Pennsylvania	24 weeks
Illinois	Viability	Rhode Island	24 weeks
Indiana	20 weeks	South Carolina	20 weeks
Iowa	20 weeks	South Dakota	20 weeks
Kansas	22 weeks	Tennessee	Viability
Kentucky	20 weeks	Texas	20 weeks
Louisiana	20 weeks	Utah	Viability
Maine	Viability	Virginia	3 rd trimester
Maryland	Viability	Washington	Viability
Massachusetts	24 weeks	West Virginia	20 weeks
Michigan	Viability	Wisconsin	20 weeks
Minnesota	Viability	Wyoming	Viability
Mississippi	20 weeks		

Source: Guttmacher Institute, [State Policies on Later Abortions](#); state statutes and case law accessed through Westlaw.

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