

## States Allowing Non-Physicians to Provide Abortion Services

By: Nicole Dube, Principal Analyst  
July 29, 2022 | 2022-R-0167

### Issue

List which states allow non-physicians to perform medication and procedural abortions (e.g., aspiration abortions) and when they began doing so.

### Summary

We found at least 19 states that allow certain non-physician practitioners (e.g., advanced practice registered nurses (APRNs), nurse-midwives, or physician assistants (PAs)) to perform medication or procedural abortions. Sixteen states, including Connecticut, allow these practitioners to perform both medication and procedural abortions; three states (Delaware, New Mexico, and Rhode Island) allow specified non-physicians to perform only medication abortions.

For example, Maryland passed legislation this session that allows APRNs, nurse-midwives, licensed certified midwives, and PAs to perform procedural and medication abortions starting July 1, 2022 ([HB 937](#)). As another example, California passed legislation in 2013 that allows APRNs, PAs, and certified nurse midwives who complete specified training to perform first trimester abortions under a physician's supervision. The legislature is currently considering legislation that would allow APRNs to perform abortions without physician supervision, under specified conditions (2022 [SB 1375](#)).

Table 1 below lists these states as well as the related enabling statute, regulation, or court decision.

Table 1: States That Allow Non-Physicians to Perform Abortions

State	Citation and Year Enacted	Provider Type	Type of Abortion
California	2013: Bus. & Prof. Code, <a href="#">§§ 2253, 2725.4, &amp; 3502.4</a>	APRNs, PAs, and certified nurse-midwives	Procedural and Medication  (Allowed only during first trimester under a physician’s supervision if they completed special training)
Colorado	2006: Col. Rev. Statutes <a href="#">§ 25.5-4-415</a>  2022: <a href="#">HB 1279</a> , Reproductive Health Equity Act	APRNs, PAs, and nurse-midwives	Procedural and Medication  (The state does not have a physician-only law and allows licensed health care providers to perform abortions if they are acting within their professional scope of practice)
Connecticut	2022: <a href="#">PA 22-19</a>	APRNs, PAs, and nurse-midwives	Procedural and Medication
Delaware	2022: <a href="#">HB 320</a>	APRNs and PAs	Medication only
Hawaii	2021: <a href="#">HB 576</a>	APRNs	Procedural and Medication  (Only allows aspiration abortions in the first trimester)
Illinois	2019: 775 IL CS <a href="#">§ 55/1-25</a>	APRNs and PAs	Procedural and Medication
Maine	2019: 22 MRSA <a href="#">§ 1598</a>	APRNs and PAs	Procedural and Medication
Maryland	2022: <a href="#">HB 937</a>	APRNs, PAs, nurse-midwives, and licensed certified midwives	Procedural and Medication

Table 1 (continued)

State	Citation and Year Enacted	Provider Type	Type of Abortion
Massachusetts	2020: Mass. Gen. Laws <a href="#">Ch. 112, § 12M</a>	APRNs, PAs, and nurse-midwives	Procedural and Medication  (Only allows for pregnancies under 24 weeks)
Montana	2022: Court <a href="#">decision</a> struck down a 2005 law allowing only physicians and PAs to perform abortions  Weems et al. v. State of Montana, No. ADV-2018-73 (Mont. 1st Dist. Ct. 2018)	APRNs, PAs, and nurse midwives	Procedural and Medication
New Hampshire	2005: N.H. Rev. Stat. <a href="#">§ 326-B:11</a> (last amended 2009);  2008: N.H. Rev. Stat. <a href="#">§ 328-D:10</a> (last amended 2008);  N.H. Code Admin. Med <a href="#">Ch. 600-612</a> ; N.H. Code Admin. Nur. <a href="#">Ch. 200</a>	APRNs and PAs	Procedural and Medication  (The state does not have a physician-only law and APRN and PA scope of practice laws do not prohibit it)
New Jersey	N.J.A.C. <a href="#">§ 13:35-4.2</a> (repealed in 2021; limited abortions to physicians only)  N.J.A.C. <a href="#">§ 13:35-4A</a> , amended in 2021	APRNs, PAs, nurse-midwives, and certified midwives	Procedural and Medication
New Mexico	2007: Planned Parenthood of N.M. v. New Mexico, No. CV-200604230 (N.M. 2d Dist. Ct. 2007)	Certified nurse practitioners	Medication only
New York	2019: Pub. Health Law, Article 25-A, <a href="#">§ 2599-bb</a>	APRNs, PAs, and licensed midwives	Procedural and Medication

Table 1 (continued)

State	Citation and Year Enacted	Provider Type	Type of Abortion
Oregon	2006: Oregon Board of Nursing ruling (not codified in law or regulation)	APRNs	Procedural and Medication
Rhode Island	2002: <a href="#">216-RICR-20-10-6.3.4</a>	Health care practitioners acting within their professional scope of practice (e.g., APRNs, PAs, and nurse-midwives)	Medication only
Vermont	2019: 18 V.S.A. <a href="#">§ 9497</a>	APRNs, PAs, nurse-midwives	Procedural and Medication  (The state does not have a physician-only law and allows licensed health care providers to perform abortions if they are acting within their professional scope of practice)
Virginia	2020: Code of VA, <a href="#">§ 18.2-72</a>	APRNs	Procedural and Medication
Washington	2022: <a href="#">HB 1851</a> , codified as RCW §§ 9.02.100, 110, 120, 130, 140, 160 & 170  (Codified existing regulation, RCW §§ 18.57A, 18.71A & 18.79)  Additional background information is available <a href="#">here</a>	APRNs, PAs, and other providers operating within their professional scope of practice	Procedural and Medication

Sources: Guttmacher Institute: [An Overview of Abortion Laws | Guttmacher Institute](#); Kaiser Family Foundation: [State Actions to Protect and Expand Access to Abortion Services | KFF](#), and American Journal of Public Health [2013 study](#).

ND:kl