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***the* NOCTURNISTS:**
Post-Roe America
National- and State-Level
Abortion Restrictions



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Overview

As of May 2023, about half of US states, mainly in the South and Midwest regions, banned or heavily restricted abortions. These bans have left residents without access to nearby abortion services. Of these states, 13 already had abortion "trigger laws" in place. These are laws that were automatically enacted when Roe v. Wade was overturned. States that did not have trigger laws, such as Indiana and Kansas, were in the national spotlight following the decision on Dobbs v. Jackson as they began holding special sessions and referendum votes to pass legislation on abortion.

Nearly all of the states that ban abortion have exceptions that generally fall into the following categories: to save the pregnant patient's life, to prevent serious risk to the pregnant person's physical health, or in cases where the fetus is not expected to survive.

Banned or restricted (19 states):

Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin.

Legal (25 states):

Alaska, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Kansas, Maine, Maryland, Michigan, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Washington.

States to watch, likely to ban (6 states):

Iowa, Indiana, Montana, Nebraska, Ohio, and Wyoming.

For references and the most up-to-date information on national- and state-level restrictions, please visit the following resources:

[Interactive Map: US Abortion Policies and Access After Roe](#). Guttmacher Institute

[How Abortion Access Changed in a Post-Roe America](#). Abortion Finder

[State Laws Restricting or Prohibiting Abortion](#). Congressional Research Service.

March 2023.

Dashevsky, J. [One Year After Dobbs: Unveiling the Far-Reaching Impact on Abortion](#)

[Rights](#). *Workweek*. June 2023.

Viability: A key term for understanding national- and state-level restrictions on abortion

What does viability mean?

Viability is the stage of pregnancy at which a fetus has developed enough to survive outside the uterus with medical assistance. This typically occurs around 24 to 26 weeks of pregnancy, but the exact timing depends on the fetus's development and may vary between pregnancies.

A healthcare provider can assess whether a pregnancy has reached viability. There is no definitive test to determine if a fetus can survive outside of the uterus. Therefore, determining viability is often based on clinical judgment. Early in the pregnancy, physicians use ultrasound to determine if the fetus is developing appropriately, but this does not necessarily indicate the viability of the fetus later in pregnancy.

For references and more information, please visit:

[Facts Are Important: Understanding and Navigating Viability](#). American College of Obstetricians and Gynecologists

Stanojevic, M. [Limits of Viability: Should We Play God?](#) Psychiatr Danub. May 2021.

Belluck, P. [Viability Has Shifted Slightly as Medicine Has Advanced](#). *The New York Times*. Dec 2021

The significance of a 6-week vs. 12-week vs. 15-week vs. 20-week Ban

Abortion bans across different states occur at various stages of pregnancy. The shorter the stage of pregnancy before which abortion is legal, the less access the pregnant person has to a safe abortion. This is especially relevant because 1 in 3 pregnant people do not discover they are pregnant until after 6 weeks. People of color, people living with food insecurity, people with unplanned pregnancies, and those who rely on clinic-based testing to confirm a pregnancy are more likely to discover pregnancy after 7 weeks.

What does “waiting period” mean?

In many states, a pregnant person must attend a counseling session and then wait for a specified amount of time before returning to the health center for their abortion appointment.

This results in additional barriers to care for people who have to travel, take time off work, or coordinate childcare and the wait time may push people beyond the legal limit for abortion, forcing them to continue the pregnancy.

For resources, please visit:

[Abortion regulations by state](#). Ballotpedia.

[One in three people learn they're pregnant past six weeks gestation](#). Advancing New Standards in Reproductive Health. November 2021.

[Counseling and Waiting Periods for Abortion](#). Guttmacher Institute. August 2023.

Targeted regulation of abortion providers (TRAP) laws

What are TRAP laws?

Targeted regulation of abortion providers (TRAP) laws are state-level regulations imposed on abortion providers and clinics. Currently, 23 states have these laws. Supporters of TRAP laws argue that these regulations are necessary to optimize patient care and safety.

Abortion providers and advocates for reproductive rights argue that these laws impose unnecessary requirements, some of which are ultimately designed to limit access to abortion services.

What are some common types of TRAP laws?

Facility Requirements:

Abortion clinics, even those that only provide medical abortions, are required to meet the same standards as ambulatory surgical centers. These standards include building requirements, minimum procedure room dimensions, and specified corridor widths.

The abortion facility must be within a certain distance from a hospital. Common distances imposed include being within 30 miles or 30 minutes from a hospital.

The abortion facility must have the ability to transfer patients to a nearby hospital.

Clinician Requirements:

Abortion providers must have an affiliation with a local hospital to be able to admit a patient or have an agreement with another provider who has admitting privileges.

The state of Mississippi requires that the abortion provider be a board-certified OB/GYN or eligible to be certified as an OB/GYN.

For references and to identify TRAP laws in your state please visit:

[Targeted Regulation of Abortion Providers](#). Guttmacher Institute. August 31, 2023.

[What are TRAP Laws?](#) Planned Parenthood Action Fund.