

## State Abortion Prohibitions, Authorizations, and Heartbeat Policies Enacted

*Compilation by Thomas W. Jacobson, Global Life Campaign (2019-07-03 version)*

Throughout history, abortions were rare due to the high death risk (50% or more) to the mother until the early 1800s, when the risk of death was substantially reduced because of medical advances. When abortions began to increase, every state within the United States enacted laws prohibiting abortion, beginning with Connecticut in 1821. Alabama (1951), New Hampshire (1955), and Mississippi (1966) were the first states to authorize abortion, each for one restricted reason. In 1967, Colorado was the first state to authorize abortion for multiple reasons. In 1970, Hawaii, New York, and Massachusetts were the first states to authorize abortion on demand up to 20-24 weeks of pregnancy. Between 1951 and 1972, a total of 21 states and the District of Columbia had authorized abortion for restrictive reasons or on demand. After the arbitrary *Roe v. Wade* decision by the U.S. Supreme Court in 1973, every state government capitulated and permitted abortion. The table below tracks these events, and has an extra column on the right to enter the year each state restores enacts heartbeat or other highly restrictive policies, or better prohibits abortion.

State	Abortion Prohibited <sup>1</sup>	Abortion Authorized	Heartbeat policies
Alabama <sup>2, 3</sup>	1841	1951 (H), 1973	2019
Alaska <sup>1, 2</sup>	1899 (prior to statehood)	1970, 1973	
Arizona	1865	1973	
Arkansas <sup>2</sup>	1838	1969, 1973	
California	1849-50	1967, 1973	
Colorado	1861	1967, 1971, 1973	
Connecticut	1821, 1860	1973	
Delaware	1883	1969, 1973	
Florida	1868	1972, 1973	
Georgia	1876	1968, 1973	2019
Hawaii <sup>1</sup>	1850 (prior to statehood)	1970 (Rqst to 20 wks), 1973	
Idaho	1863-64	1973	
Illinois	1827	1973	
Indiana	1835	1973	
Iowa	1838, 1843, 1851, 1858	1973	2019
Kansas	1855	1969, 1973	
Kentucky	1910	1973	2019
Louisiana	1855	1973	
Maine	1840	1973	
Maryland	1867	1968, 1973	
Massachusetts <sup>4</sup>	1845	1970 (Rqst < 24 wks), 1973	
Michigan	1846	1973	

State	Abortion Prohibited <sup>1</sup>	Abortion Authorized	Heartbeat policies
Minnesota	1851, 1873	1973	
Mississippi <sup>2</sup>	1839	1966 (R), 1973	2019
Missouri	1835	1973	2019
Montana	1864	1973	
Nebraska	1866	1973	
Nevada	1861	1973	
New Hampshire <sup>2</sup>	1848	1955 (FI), 1973	
New Jersey	1849	1973	
New Mexico	1854, 1907	1969, 1973	
New York <sup>1</sup>	1829, 1869	1970 (24 wks), 1973, 2019	
North Carolina	1881	1967, 1973	
North Dakota	1877, 1895	1973	
Ohio	1834	1973	2019
Oklahoma	1890	1973	
Oregon	1853-54, 1864	1967, 1973	
Pennsylvania	1860	1973	
Rhode Island	1896	1973	
South Carolina	1883	1970, 1973	
South Dakota	1877, 1899	1973	
Tennessee	1883	1973	
Texas	1864	1973	
Utah	1876	1973	
Vermont	1846	1973	
Virginia	1847-48	1970, 1973	
Washington <sup>1</sup>	1854	1970, 1973	
West Virginia	1863	1973	
Wisconsin	1849, 1858	1973	
Wyoming	1869	1973	
District of Columbia <sup>1</sup>	1901 (U.S. Congress)	1970, 1973	

Abbreviations: H = mother's health; FI = fetal (NH: "malformation of the fetus"); R = rape.

Sources:

<sup>1</sup> Dellapenna, Joseph W., J.D., *Dispelling the Myths of Abortion History* (Durham, NC: Carolina Academic Press, 2006), pp. 268, 275, 316-319, 629.

<sup>2</sup> Schwartz, Richard A., "Abortion on Request: The Psychiatric Implications," *Case Western Reserve Law Review*, Volume 23, Issue 4, p. 842.

<sup>3</sup> Witherspoon, James S., J.D., "Reexamining Roe: Nineteenth-Century Abortion Statutes and the Fourteenth Amendment," *St. Mary's Law Journal*, Vol. 17:29, p. 45.

<sup>4</sup> Massachusetts: General Laws, Part I, Title XVI, Chapter 122, Section 12L & M.