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Abortion in the United States: A Compilation of Federal and State Laws, Second Edition

Compiled by Tobe Liebert

Including the most current state statutes related to abortion!

This publication is intended to give researchers a quick means of accessing case law and statutes related to the topic of abortion, at both the state and federal level.

This publication is a successor to *Abortion in the United States: A Compilation of State Legislation*. The most notable changes to the new edition are the additional focus on federal law and the emphasis on finding law through the use of indexes. The second edition contains:

- Unique and extensive indexing that was created for both statutes and case law
- Full text of the leading U.S. Supreme Court decisions related to abortion
- Full text of major federal statutes including versions of the Hyde Amendment & *much more!*

Historical Background

The right of a woman to seek an abortion is governed by a variety of laws, on both the state and federal level. The starting point for any analysis of these laws is the 1973 U.S. Supreme Court decision in *Roe v. Wade*. The *Roe* decision established a woman's constitutional right to have an

abortion, and so all state and federal laws since that date have had to contend with *Roe* to some degree. Following *Roe*, there has been a tremendous amount of activity in the courts and legislatures of the nation, as parties on both sides of the issue have sought to either increase or decrease

a woman's access to abortion services. For the researcher trying to understand the current legal landscape surrounding abortion rights, it is best to start with the recognition that since *Roe* was decided, the basic dynamic has been a steady attempt by state legislatures to enact barriers to abortion services. After each such law is passed,

a contest occurs, most often in federal courts, as abortion rights proponents challenge the new law and the courts are left to decide whether the law is constitutionally valid.

What is included?

Statutes

All state laws related to the ability of a woman to seek an abortion are **reprinted in full**, as long as they are still officially in the state code, even if they have been declared unconstitutional and are of no effect.

State Statutes

The state statutes that are reprinted in full include laws concerning:

- The regulation of abortion clinics
- The ability of minors to seek abortions
- What “informed consent” must be given before an abortion is performed
- Additional laws which largely serve to limit and circumscribe when and how an abortion may be performed

Federal Statutes

All federal statutes dealing directly with abortion rights are **reprinted in full**, including versions of the “Hyde Amendment,” which has been attached to appropriations bills since the 1970s.

Cases

There has been a great deal of case law at both the state and federal levels since the issuance of the *Roe* decision in 1973. Because of this very large number of cases, this work will not reproduce the text of each case, but instead, an indexing system has been created to enable the researcher to find cases based upon a large number of subject headings.

State Cases

The subject heading guide breaks down the various categories of cases that are found related to abortion, and then the cases from each state are categorized according to those subject headings.

- The standard court reporter citation is given for each case, which are organized by year under each heading
- All cases since 1973 related to a woman's ability to seek an abortion are indexed, as are other relevant cases, such as those dealing with abortion protests, funding disputes, and privacy of medical records

Federal Cases

At the federal level, seventeen key cases issued by the U.S. Supreme Court have been reprinted in full text, starting with the decision in *Roe v. Wade*. Because these cases frequently guide the decisions of the lower federal courts and all state courts, it is useful to have them as a reference.

Bibliography

A bibliography of select law review articles is included. Because of the heated nature of the abortion debate, a great deal has been written on the subject. In selecting entries for the bibliography, no attempt has been made to favor one side of the debate over the other. All articles from U.S.-based law journals that bore some relevance to the subject of abortion law have been included.

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