



Coercive Abortion

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NCSL identified both state legislation and statutes addressing coercive abortions. The first table consists of 19 statutes in 15 states and Guam regarding coercive abortions. The second table highlights legislation from seven different states concerning coercive abortions. Coercing an abortion is prohibited in these states and Guam. Hospitals and physicians must receive voluntary consent from the pregnant woman before performing an abortion. In Wisconsin, if a physician determines that a woman's consent is not voluntary and that they may be in danger of coercion, the physician shall share information regarding services for victims at risk of domestic abuse with the pregnant woman. In Arizona, coercing a woman to have an abortion is a class 3 felony.

Below is a chart of state statutes regarding coercive abortions.

| State | Statutes |
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| Arizona | <p>A.R.S. § 36-2153</p> <p>...</p> <p>G. A person shall not intimidate or coerce in any way any person to obtain an abortion. A parent, a guardian or any other person shall not coerce a minor to obtain an abortion. If a minor is denied financial support by the minor's parents, guardians or custodian due to the minor's refusal to have an abortion performed, the minor is deemed emancipated for the purposes of eligibility for public assistance benefits, except that the emancipated minor may not use these benefits to obtain an abortion.</p> <p>A.R.S. § 13-3603.02</p> <p>B. A person who knowingly does either of the following is guilty of a class 3 felony:</p> <p>1. Uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection or race-selection abortion or an abortion because of a genetic abnormality of the child.</p> |
| California | <p>West's Ann.Cal.Fam.Code § 6320</p> <p>(a) The court may issue an ex parte order enjoining a party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, credibly impersonating as described in Section 528.5 of the Penal Code, falsely personating as described in Section 529 of the Penal Code, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise coming within a specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members.</p> <p>(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.</p> <p>(c) As used in this subdivision (a), "disturbing the peace of the other party" refers to conduct that,</p> |

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| | <p>based on the totality of the circumstances, destroys the mental or emotional calm of the other party. This conduct may be committed directly or indirectly, including through the use of a third party, and by any method or through any means including, but not limited to, telephone, online accounts, text messages, internet-connected devices, or other electronic technologies. This conduct includes, but is not limited to, coercive control, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. Examples of coercive control include, but are not limited to, unreasonably engaging in any of the following:</p> <p>...</p> <p>(5) Engaging in reproductive coercion, which consists of control over the reproductive autonomy of another through force, threat of force, or intimidation, and may include, but is not limited to, unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to reproductive health information, or using coercive tactics to control, or attempt to control, pregnancy outcomes.</p> |
| Delaware | <p>24 Del.C. § 1786 No parent, guardian, or other person shall coerce a minor to undergo an abortion or to continue a pregnancy. Any minor who is threatened with such coercion may apply to a court of competent jurisdiction for relief. The court shall provide the minor with counsel, give the matter expedited consideration, and grant such relief as may be necessary to prevent such coercion. Should a minor be denied the financial support of her parents or legal guardian by reason of her refusal to undergo abortion or to continue a pregnancy, she shall be considered emancipated for purposes of eligibility for assistance benefits.</p> |
| Guam | <p>19 G.C.A. § 4A105 A parent or any other person <i>shall not</i> coerce a minor to have an abortion performed. If a minor is denied financial support by the minor's parents, guardian, or custodian due to the minor's refusal to have an abortion performed, the minor <i>shall</i> be deemed emancipated for the purposes of eligibility for public-assistance benefits, <i>except</i> that such benefits may <i>not</i> be used to obtain an abortion.</p> <p>19 G.C.A. § 4A109 (a) Any person who intentionally performs an abortion with knowledge that or with reckless disregard as to whether the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent person without obtaining the required consent is guilty of a felony of the 3rd degree. It is a defense to prosecution under this Section that the minor falsely represented her age or identity to the physician to be at least eighteen (18) years of age by displaying an apparently valid governmental record of identification such that a careful and prudent person under similar circumstances would have relied on the representation. The defense <i>does not</i> apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.</p> <p>(b) Failure to obtain consent from person(s) from whom consent is required under this Act is <i>prima facie</i> evidence of failure to obtain consent and of interference with family relations in appropriate civil actions. Such <i>prima facie</i> evidence <i>shall not</i> apply to any other issue other than failure to inform the parents or legal guardian and interference with family relations in appropriate civil actions. The civil action may be based on a claim that the act was a result of simple negligence, gross negligence, wantonness, willfulness, intention, or other legal standard of care. The laws of Guam <i>shall not</i> be construed to preclude the award of exemplary damages in any appropriate civil action relevant to</p> |

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| | <p>violations of this Act. Nothing in this Act shall be construed to limit the common law rights of the parents or legal guardians.</p> <p>(c) Any person <i>not</i> authorized to provide consent under this Act who provides consent is guilty of a felony of the 3rd degree.</p> <p>(d) Any person who coerces a minor to have an abortion is guilty of a misdemeanor.</p> |
| Idaho | <p>I.C. § 18-615</p> <p>(1) A person violates the provisions of this section when, knowing that a woman is pregnant, and with the intent to induce the pregnant woman to abort, whether by a medical procedure or otherwise:</p> <p>(a) Threatens to inflict physical injury or death on the pregnant woman; or</p> <p>(b) Conspires to inflict physical injury or death on the pregnant woman; or</p> <p>(c) Unlawfully inflicts physical injury on the pregnant woman.</p> <p>(2) A pregnant woman injured by reason of a person's violation of the provisions of this section may bring a civil suit for recovery of damages for such injury, whether or not the perpetrator is criminally prosecuted or convicted. In such a civil suit, the pregnant woman shall be entitled to recover her reasonable attorney's fees and costs if she is the prevailing party.</p> <p>(3) Violations of the provisions of this section are classified and punishable as follows:</p> <p>(a) A violation of subsection (1)(a) or (1)(b) of this section constitutes a misdemeanor punishable by not more than six (6) months in jail, or a fine of not more than one thousand dollars (\$1,000), or both.</p> <p>(b) A violation of subsection (1)(c) of this section constitutes a felony punishable by imprisonment for not more than five (5) years, or a fine of not more than five thousand dollars (\$5,000), or both.</p> <p>(4) The term "physical injury" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.</p> <p>(5) The term "woman" includes a minor female.</p> |
| Louisiana | <p>LSA-R.S. 14:87.6</p> <p>A. Coerced abortion is committed when any person intentionally engages in the use or threatened use of physical force against the person of a pregnant woman, with the intent to compel the pregnant woman to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed.</p> <p>B. Whoever commits the crime of coerced abortion shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.</p> |
| Michigan | <p>M.C.L.A. 750.213a</p> <p>Sec. 213a. (1) A person having actual knowledge that a female individual is pregnant shall not do any of the following with the intent to coerce her to have an abortion against her will:</p> <p>(a) Commit, attempt to commit, or threaten to commit any of the following violations against her or any other person:</p> <p>(i) A violation of section 411h¹ or section 411i.²</p> <p>(ii) An assaultive crime. As used in this subparagraph, "assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.</p> |



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| | <p>(b) After being informed by a pregnant female that she does not want to obtain an abortion, engage in coercion as that term is defined in section 462a.³</p> <p>(2) For purposes of subsection (1)(b), information that a pregnant female does not want to obtain an abortion includes any fact that would clearly demonstrate to a reasonable person that she is unwilling to comply with a request or demand to have an abortion.</p> <p>(3) A person who violates this section is guilty of a crime as follows:</p> <p>(a) For a violation of subsection (1)(a), the person is guilty of a crime punishable in the same manner as for the underlying offense committed, attempted, or threatened.</p> <p>(b) Except as provided in subdivision (c), for a violation of subsection (1)(b), the person is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00.</p> <p>(c) If the person is the father or putative father of the unborn child, the pregnant individual is less than 18 years of age at the time of the violation, and the person is 18 years of age or older at the time of the violation, the person is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00.</p> <p>(4) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law committed while violating this section.</p> <p>(5) As used in this section:</p> <p>(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.</p> <p>(b) "Threaten" means to make 2 or more statements or to engage in a course of conduct that would cause a reasonable person to believe that the individual is likely to act in accordance with the statements or the course of conduct. Threaten does not include constitutionally protected speech or any generalized statement regarding a lawful pregnancy option.</p> <p>(c) "Unborn child" means a live human being in utero regardless of his or her gestational stage of development.</p> |
| Minnesota | <p>M.S.A. § 145.414</p> <p>(a) No person and no hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion for any reason.</p> |
| Montana | <p>MCA 50-20-106</p> <p>(1) An abortion may not be performed without the informed consent of the woman upon whom the abortion is to be performed. The informed consent must be received at least 24 hours prior to the abortion and certified prior to or at the time of the abortion.</p> <p>...</p> <p>(7) An executive officer, administrative agency, or public employee of the state or of any local governmental body may not issue any order requiring an abortion or coerce any woman to have an abortion. A person may not coerce any woman to have an abortion.</p> <p>(8) A violation of subsections (1) through (7) is a misdemeanor.</p> <p>MCA 50-20-508</p> <p>A parent, a legal guardian, or any other person may not coerce a minor to have an abortion. If a minor is denied financial support by the minor's parents, legal guardian, or custodian because of the minor's refusal to have an abortion, the minor must be considered an emancipated minor for the purposes of</p> |

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| | eligibility for public assistance benefits. The public assistance benefits may not be used to obtain an abortion. |
| Nebraska | Neb.Rev.St. § 71-6902.02 No parent, guardian, or any other person shall coerce a pregnant woman to obtain an abortion. If a pregnant woman is denied financial support by her parents, guardians, or custodians due to her refusal to obtain an abortion, the pregnant woman shall be deemed emancipated for purposes of eligibility for public assistance benefits, except that such benefits may not be used to obtain an abortion. |
| North Dakota | NDCC, 12.1-41-21 1. As used in this section: a. "Forces or coerces" means committing, attempting to commit, or threatening to commit physical harm to the woman, the unborn child, or another individual intended to compel a victim of an offense under section 12.1-41-02, 12.1-41-03, or 12.1-41-04 to have an abortion performed against her will. b. "Threat" means at least one statement, or a course of conduct by the defendant, which places one in reasonable apprehension that the individual will follow through with the statement or act as implied by the defendant's course of conduct. The term does not include constitutionally protected speech or any generalized statement regarding a lawful pregnancy option. 2. A forced or coerced abortion during the commission of an offense under section 12.1-41-02, 12.1-41-03, or 12.1-41-04 occurs when the defendant forces or coerces a victim of the offense to have an abortion against her will. 3. Upon the request of the victim, a law enforcement agency investigating a violation of this section shall notify the victim not less than twenty-four hours before initially contacting the individual alleged to have committed a violation of this section. 4. If the trier of fact finds that a forced or coerced abortion occurred during the commission of an offense under section 12.1-41-02, 12.1-41-03, or 12.1-41-04, the court may sentence the defendant to be imprisoned for up to five years in addition to the period of imprisonment prescribed for the offense. |
| Pennsylvania | 18 Pa.C.S.A. § 3215 (f) Public officers; ordering abortions.--Except in the case of a medical emergency, no court, judge, executive officer, administrative agency or public employee of the Commonwealth or of any local governmental body shall have power to issue any order requiring an abortion without the express voluntary consent of the woman upon whom the abortion is to be performed or shall coerce any person to have an abortion. |
| South Dakota | SDCL § 22-17-14 A person is guilty of a Class 1 misdemeanor if the person: (1) Coerces, compels, or attempts to compel a pregnant woman to undergo an abortion; (2) Requires a pregnant woman to agree to a provision that if she refuses to undergo an abortion, it is a breach of a contract; or (3) Requires a pregnant woman to agree to a provision that results in her assuming any cost, obligation, or responsibility for refusing to undergo an abortion. |
| Tennessee | T. C. A. § 39-15-202 (a) Except in a medical emergency that prevents compliance with this subsection (a), no abortion shall be performed or induced upon a pregnant woman unless the woman has provided her informed written consent, given freely and without coercion. Such consent shall be treated as confidential. |

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| Utah | U.C.A. 1953 § 76-7-312 No person shall intimidate or coerce in any way any person to obtain an abortion. |
| Wisconsin | W.S.A. 253.10 (3) Voluntary and informed consent. (a) <i>Generally</i> . An abortion may not be performed or induced unless the woman upon whom the abortion is to be performed or induced has and, if the woman is a minor and s. 48.375(4)(a)2. does not apply, the individual who also gives consent under s. 48.375(4)(a)1. have given voluntary and informed written consent under the requirements of this section. (b) <i>Voluntary consent</i> . Consent under this section to an abortion is voluntary only if the consent is given freely and without coercion by any person. The physician who is to perform or induce the abortion shall determine whether the woman's consent is, in fact, voluntary. Notwithstanding par. (c)3., the physician shall make the determination by speaking to the woman in person, out of the presence of anyone other than a person working for or with the physician. If the physician has reason to suspect that the woman is in danger of being physically harmed by anyone who is coercing the woman to consent to an abortion against her will, the physician shall inform the woman of services for victims or individuals at risk of domestic abuse and provide her with private access to a telephone. |

NCSL identified seven states with enacted legislation addressing coercive abortions. Below is a chart of state legislation regarding coercive abortions.

| State | Legislation |
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| Alabama | HB 494 (Enacted, 2014) Prohibits parents, legal guardians, custodians, or any other persons from coercing a minor to have an abortion performed. |
| Arizona | SB 1457 (Enacted, 2021) Prohibits any person to coerce a woman to have an abortion. Prohibits physicians from performing abortions without the patients voluntary and informed consent. Requires hospitals to report if a woman is being coerced into obtaining an abortion. |
| Kansas | HB 2253 (Enacted, 2013) Prohibits any individual from coercing a woman to undergo an abortion. Requires any physician who performs an abortion without the informed consent of the woman to be liable to her for any damages. |
| Michigan | HB 4787 (Enacted, 2016) Prohibits a person from coercing a pregnant female into having an abortion. Clarifies actions that are considered coercion. |
| North Dakota | HB 1297 (Enacted, 2011) Prohibits any individual to coerce a woman to undergo an abortion. . Requires any physician who performs an abortion without the informed consent of the woman to be liable to her for any damages in a civil action. |
| South Dakota | SB 183 (Enacted, 2021) Classifies the act of coercing a pregnant woman to undergo an abortion as a Class 1 misdemeanor. Prohibits any person from requiring a pregnant woman to agree to assuming any costs or responsibilities for refusing to undergo an abortion. |
| Utah | HB 141 (Enacted, 2017) |

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Requires the Department of Health to provide printed materials and an informational video stating that it is unlawful for any person to coerce a woman to have an abortion.