

STATE LEGAL SNAPSHOT

California

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



Abortion is **protected by the state constitution**, legal at every stage of pregnancy — **no gestational limit**, currently available.

GESTATIONAL LIMIT	None	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	RAPE / INCEST EXCEPTION	N/A	PARENTAL INVOLVEMENT	None	✓ SHIELD STATE	Yes
MEDICAID	Broader than Hyde	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below				

§ Jurisdiction overview

California has the strongest abortion protections in the U.S.: a constitutional amendment guarantees the right, and abortion is legal until viability with no mandatory waiting period, parental involvement, or ultrasound requirement.

Cal. Const. art. I, § 1.1 · Cal. Health & Safety Code § 123466 · Cal. Health & Safety Code § 123464

☒ Fetal personhood & the internal contradiction

California law embodies a deep and explicit contradiction in its treatment of fetal personhood. On one hand, Penal Code § 187(a) defines murder to include 'the unlawful killing of ... a fetus, with malice aforethought' — without a viability threshold — and the California Supreme Court has confirmed that this applies to fetuses at any stage of development.

Cal. Penal Code § 187 · Cal. Penal Code § 187(a) · People v. Davis, 7 Cal. 4th 797 (1994)

MINORS

California does not require minors to obtain parental consent or notify a parent before obtaining an abortion; minors consent to their own abortion care.

SPOUSAL / PATERNAL RIGHTS

California has no statute requiring spousal or paternal consent or notice for abortion; such a law would be invalid under Planned Parenthood v. Danforth and the California Constitution.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Pregnant person (any abortion-related conduct)	No offense — expressly immune from all criminal and civil liability under HSC § 123467(a) and Penal Code § 187(b) (3)	None — statutory immunity
Physician (unauthorized post-viability abortion)	Unprofessional conduct (BPC § 2253(a)); possible unlicensed practice charge (BPC § 2052) for performing abortion without license or outside authorized scope	Unprofessional conduct: license discipline by Medical Board. BPC § 2052: wobbler — up to 1 year county jail or state imprisonment; fine up to \$10,000
Nurse practitioner / certified nurse-midwife / physician assistant	Unprofessional conduct if performing aspiration abortion without required training (BPC §§ 2725.4, 3502.4); unlicensed practice if beyond authorized scope (BPC § 2052)	License discipline; potential BPC § 2052 penalty if scope exceeded
Pharmacist (dispensing mifepristone/misoprostol)	No offense — AB 260 (2025) expressly prohibits criminal, civil, and professional discipline actions against pharmacists for acts related to medication abortion drugs	None — statutory protection
Helper / aider (any person who assists with consent)	No offense — HSC § 123467(b) expressly immunizes any person who aids or assists a pregnant person in exercising abortion rights with voluntary consent	None — statutory immunity from civil and criminal liability

Recent changes

- Sep 2025** Governor Newsom signed AB 260, allowing pharmacists to dispense mifepristone with anonymous labeling, protecting pharmacists and manufacturers from liability, requiring health plans to cover mifepristone, and repealing obsolete unconstitutional criminal abortion penalty provisions.
- Jan 2024** SB 345 (2023) took effect, expanding the shield law to protect providers who mail medication abortion to out-of-state patients and adding gender-affirming care to the protected categories.
- Sep 2023** SB 385 signed, allowing physician assistants to perform first-trimester aspiration abortions after completing specified training, expanding the pool of authorized providers.
- Jul 2023** California Court of Appeal decided *Carpenter v.*
- Jan 2023** SB 245 (Abortion Accessibility Act) took effect: private health plans prohibited from imposing any cost-sharing (deductibles, copays, coinsurance) for abortion and abortion-related services, and prior authorization barred for outpatient abortion.
- Nov 2022** California voters approved Proposition 1 by 66.9% to 33.1%, amending the state constitution to enshrine the right to abortion and contraception. Effective December 21, 2022.
- Sep 2022** Governor Newsom signed a package of 13 abortion-protection bills, including AB 2223 (mother/helper immunity from all liability), AB 1242 (shield law prohibiting law enforcement cooperation), AB 1666 (blocking out-of-state civil judgments), AB 2091 (prohibiting release of abortion medical records to out-of-state authorities), AB 2626 (protecting physician licenses from out-of-state discipline), and SB 1142 (Abortion Practical Support Fund).

Pending changes to watch

Louisiana v. FDA (No. 26-30203, 5th Cir.) and related mifepristone cases

Litigation · Pending before U.S.

If the plaintiffs succeed in invalidating or restricting FDA approval of mifepristone, medication abortion access could be curtailed nationally.

Texas/Florida v. FDA (N.D. Tex.)

Litigation · Pending in U.S.

Could result in nationwide withdrawal or restriction of mifepristone, affecting medication abortion access in California.

AB 67 (Bauer-Kahan), 2025-2026 session

Legislation · Pending in the Assembly; would authorize the Attorney General to bring civil actions to enforce the Reproductive Privacy Act, impose civil penalties up to \$25,000 per violation, and subpoena witnesses.

Would add a state enforcement mechanism for violations of the Reproductive Privacy Act, enhancing the AG's ability to police non-compliance by governmental entities and private actors.

Key authorities

California Constitution Art. I, § 1.1 (Proposition 1, 2022) Cal. Const. art. I, § 1.1

The highest legal authority in the state: prohibits the state from denying or interfering with an individual's reproductive freedom, including the fundamental right to choose abortion.

California Reproductive Privacy Act (RPA) Cal. Health & Safety Code §§ 123460–123468

The statutory backbone of California abortion law since 2002: guarantees the right to abortion before viability and post-viability for life/health, defines key terms, and establishes when abortion is 'unauthorized.'

Mother/helper immunity provision (AB 2223) Cal. Health & Safety Code § 123467

The strongest mother-immunity provision in the nation: exempts the pregnant person and any consensual helper from all civil and criminal liability for pregnancy outcomes including abortion.

Shield law: prohibition on law enforcement cooperation (AB 1242 / SB 345) Cal. Penal Code § 13778.2

Prohibits California law enforcement from arresting or cooperating in arrests for legally protected abortion care and blocks extradition for out-of-state abortion charges.

Civil judgment shield (AB 1666)

Cal. Health & Safety Code § 123467.5

Declares out-of-state civil abortion actions contrary to California public policy and bars California courts from applying such laws or enforcing resulting judgments.

Generated from the structured legal focused deep-research record for CA (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full California survey. This document has not been reviewed by a lawyer and should not be used as legal advice.