

STATE LEGAL SNAPSHOT

Idaho

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

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



Abortion is banned at every stage of pregnancy — availability: severely restricted.

GESTATIONAL LIMIT	Total ban	AVAILABLE	Severely restricted	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	24 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	Yes	PENDING CHANGE	See below		

§ Jurisdiction overview

Idaho bans nearly all abortions from fertilization, with exceptions for the pregnant woman's life and first-trimester rape/incest reported to police.

Idaho Code § 18-622(1) · Idaho Code § 18-622(5) · Idaho Code § 18-604(1)

☒ Fetal personhood & the internal contradiction

Idaho presents a stark internal contradiction in its fetal personhood framework. On one hand, multiple statutes define the unborn child as a human being from fertilization: the murder statute (§ 18-4001) includes embryos and fetuses as 'human beings,' the abortion chapter defines 'fetus' and 'unborn child' as 'an individual organism of the species Homo sapiens from fertilization until live birth' (§ 18-604(5)), and the homicide chapter defines embryos and fetuses as 'any human in utero' (§ 18-4016(1)).

Idaho Code § 18-4001 · Idaho Code § 18-4016 · Idaho Code § 18-604(5)

MINORS

An unemancipated minor must obtain written consent from one parent or guardian or obtain judicial authorization through a by-pass procedure.

SPOUSAL / PATERNAL RIGHTS

Idaho has no statute requiring spousal consent or notice for abortion; the father has no legal veto over the pregnant woman's decision.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (performing abortion)	Criminal abortion (felony)	2-5 years imprisonment; license suspension minimum 6 months first offense, permanent revocation second offense; civil liability minimum \$20,000 under § 18-8807
Health care professional (assisting)	Assisting in criminal abortion	2-5 years imprisonment; license suspension minimum 6 months first offense, permanent revocation second offense
Adult (abortion trafficking of minor)	Abortion trafficking (felony)	2-5 years imprisonment
Any person (advertising/supplying abortion means)	Advertising or supplying means for abortion (felony)	2-5 years imprisonment under § 18-605
Pregnant woman	None (expressly exempt from criminal liability)	No criminal penalty; not subject to civil liability as defendant under § 18-8807

☒ Recent changes

Jul 2025	Consent decree entered permanently blocking Attorney General Labrador and Ada and Valley County prosecutors from prosecuting named plaintiffs for referring patients for out-of-state abortions, resolving the challenge to AG Opinion 23-1.
Apr 2025	Idaho Fourth Judicial District Court issues ruling in Adkins v.

- Mar 2025U.S. District Court for the District of Idaho grants St. Luke's Health System a preliminary injunction blocking enforcement of § 18-622 against St.
- Jan 2025The new Trump Administration's Department of Justice dismisses United States v.
- Dec 2024Ninth Circuit Court of Appeals in Matsumoto v.
- Jun 2024U.S. Supreme Court dismisses Moyle v. United States and Idaho v.
- Jul 20232023 amendments to the Defense of Life Act (ch.

⌵ Pending changes to watch

Adkins v. State of Idaho (appeal)
Litigation · District court ruling issued April 11, 2025; potential appeal by the State to the Idaho Supreme Court
If appealed and reversed, the broad interpretation of the life exception would narrow, restricting abortion even in cases of serious non-lethal health threats.

Matsumoto v. Labrador (abortion trafficking)
Litigation · Ninth Circuit ruling Dec.
A final merits ruling could strike down all or part of § 18-623 on constitutional grounds (First Amendment, right to travel, Commerce Clause) or uphold the statute in full, affecting the legality of helping minors access out-of-state abortion.

St. Luke's Health System v. Labrador
Litigation · Preliminary injunction granted March 20, 2025; litigation ongoing on permanent injunction and merits
A permanent injunction could extend EMTALA protections to all Idaho hospitals; dissolution of the injunction would eliminate the last remaining EMTALA safe harbor in Idaho.

⌵ Key authorities

Defense of Life Act Idaho Code § 18-622
Idaho's near-total abortion ban—the operative criminal prohibition with 2-5 year felony penalty, life and first-trimester rape/incest exceptions, and express exemption of the pregnant woman from liability.

Definitions (Abortion Chapter) Idaho Code § 18-604
Defines 'abortion,' 'fetus,' 'unborn child,' 'pregnancy,' 'physician,' 'medical emergency,' and 'informed consent'—controlling everything the abortion chapter reaches.

Fetal Heartbeat Preborn Child Protection Act (civil liability) Idaho Code § 18-8807
Creates SB8-style private civil enforcement allowing family members to sue abortion providers for minimum \$20,000 statutory damages.

Abortion Trafficking Idaho Code § 18-623
Criminalizes recruiting, harboring, or transporting a pregnant minor within Idaho for abortion without parental consent, even if the abortion occurs out of state.

Parental Consent for Minors Idaho Code § 18-609A
Requires one-parent consent for minors seeking abortion, with judicial bypass on maturity or best-interests grounds and exceptions for medical emergencies and rape/incest by family members.

Generated from the structured legal focused deep-research record for ID (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 Idaho survey. This document has not been reviewed by a lawyer and should not be used as legal advice.