

STATE LEGAL SNAPSHOT

Illinois

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

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is protected by statute, 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	No
✓ 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

Illinois has statutorily protected abortion as a fundamental right through viability, with post-viability abortion permitted for life or health, and operates as a shield state for out-of-state patients.

775 ILCS 55/1-15(b) · 775 ILCS 55/1-25(a) · Hope Clinic for Women, Ltd. v. Flores, 991 N.E.2d 745 (Ill. 2013)

☒ Fetal personhood & the internal contradiction

Illinois law contains a deliberate and well-drafted accommodation between competing principles, but tension remains. The Reproductive Health Act (775 ILCS 55/1-15(c)) states flatly that 'a fertilized egg, embryo, or fetus does not have independent rights under the laws of this State' — an explicit repudiation of fetal personhood. Yet the Criminal Code simultaneously defines 'unborn child' as 'any individual of the human species from the implantation of an embryo until birth' for homicide purposes, treating the fetus as a victim of third-party violence from the moment of implantation.

720 ILCS 5/9-1.2(b), (c) · 720 ILCS 5/9-3.2(c), (d) · 775 ILCS 55/1-15(c)

MINORS

Illinois requires no parental consent or notification for a minor to obtain an abortion; the Parental Notice of Abortion Act was repealed effective June 1, 2022.

SPOUSAL / PATERNAL RIGHTS

Illinois has no statute requiring spousal or paternal consent or notice for abortion; the Abortion Performance Refusal Act, which had some partner-related provisions, was repealed in 2019.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Pregnant woman	None — obtaining an abortion is not a crime in Illinois	None — expressly exempt from criminal and civil liability
Physician	None for lawful abortion care under the RHA; the Illinois Abortion Law of 1975 (which criminalized some abortion care) was repealed by PA 101-13 (2019)	None — abortion is removed from the criminal code; professional licensing discipline possible for substandard care, though shielded for lawful care
Advanced practice registered nurse / Physician assistant	None — APRNs and PAs are authorized to provide abortion care including aspiration abortion under 775 ILCS 55/1-25	None
Pharmacist	None for lawful dispensing of abortion medication in Illinois	None
Nurses and clinic staff	None — abortion care is not criminalized in Illinois	None

☒ Recent changes

- Jun 2026 Governor Pritzker signed the Reproductive Health Records Privacy Act (HB 5295), restricting how abortion-related medical records can be shared through health information exchanges and limiting out-of-state access to such data without patient consent, effective July 1, 2027.

- Jun 2025

Governor Pritzker signed HB 3637, allowing Illinois clinicians to continue prescribing and dispensing mifepristone even if the FDA revokes its approval, as long as the medication remains approved by the World Health Organization.
- Aug 2024

Amendments to the Illinois Hospital Emergency Service Act (PA 103-784) took effect, explicitly providing that 'stabilizing treatment' includes abortion when necessary to resolve a patient's injury or acute medical condition liable to cause death, severe injury, or serious illness, and enumerating specific pregnancy-related emergency conditions.
- Jul 2024

Governor Pritzker signed the Birth Equity Act (HB 5142), mandating comprehensive insurance coverage for abortion, pregnancy, postpartum, and newborn care without extra cost-sharing.
- Dec 2023

Illinois Attorney General agreed to a permanent consent order halting enforcement of the Deceptive Practices of Limited Services Pregnancy Centers Act (SB 1909), effectively ending the legal fight after a federal judge temporarily blocked the law.
- Jul 2023

Governor Pritzker signed SB 1909 (Deceptive Practices of Limited Services Pregnancy Centers Act, PA 103-270), prohibiting crisis pregnancy centers from using deceptive practices to interfere with abortion or emergency contraception access.
- May 2023

Danville City Council approved a local ordinance purporting to ban the mailing and shipping of abortion pills into the city, citing the federal Comstock Act.

⌵ Pending changes to watch

FDA v. Alliance for Hippocratic Medicine (mifepristone federal litigation)

Litigation · The Supreme Court in June 2024 unanimously reversed the Fifth Circuit's ruling restricting mifepristone, preserving telehealth access; further challenges remain possible at the district court level from new plaintiff states.

If federal courts or the FDA ultimately restrict or revoke mifepristone approval, Illinois's HB 3637 (2025) provides a state-law firewall allowing continued prescribing based on WHO approval, though litigation over federal preemption of that provision would be virtually certain.

Diocese of Springfield v. Illinois Department of Insurance (No. 4-24-1282)

Litigation · Pending in Illinois Appellate Court, Fourth District.

If successful, the lawsuit could carve out a broader religious exemption from the mandatory abortion coverage requirement for private insurance plans, potentially affecting employees of religious organizations.

Effingham County 'sanctuary for the unborn' / Danville ordinance challenge

Litigation · Local ordinances enacted in Danville (2023) and proposed elsewhere; no active enforcement litigation; ACLU and Attorney General have asserted preemption under the RHA.

If a court were to uphold a local abortion-restrictive ordinance against an RHA preemption challenge, it could open the door to additional local restrictions in other Illinois municipalities, creating a patchwork of enforcement.

⌵ Key authorities

Reproductive Health Act 775 ILCS 55/

The foundational Illinois statute establishing abortion as a fundamental right, defining key terms, and setting the viability limit with broad health exceptions.

Patient and Provider Protection Act (HB 4664) Public Act 102-1117 (2023)

Created Illinois's shield law framework protecting providers and patients from out-of-state legal attacks; expanded who may perform abortions; amended Wrongful Death Act.

Hospital Emergency Service Act Amendments Public Act 103-784, 210 ILCS 80/ (2024)

Requires Illinois hospitals to provide emergency abortion care as stabilizing treatment and authorizes substantial penalties for noncompliance.

Illinois Fetal Homicide Statutes 720 ILCS 5/9-1.2, 9-2.1, 9-3.2

Establish fetal homicide liability from implantation while expressly exempting the pregnant person and consented-to abortions.

Wrongful Death Act — Fetal Death 740 ILCS 180/2.2

Permits wrongful death claims for fetal death at any gestational stage but expressly excludes claims arising from lawful abortions.

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