

STATE LEGAL SNAPSHOT

Indiana

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	18 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Indiana has a near-total abortion ban in effect, with abortion permitted only in narrow statutory exceptions for life, serious physical health risk, lethal fetal anomaly, and rape/incest to 10 weeks.

Ind. Code § 16-34-2-1(a) · Members of the Med. Licensing Bd. of Ind. v. Planned Parenthood Great Nw., 211 N.E.3d 937 (Ind. 2023) · Individual Members of the Med. Licensing Bd. of Ind. v. Anonymous Plaintiff 1, Marion Super. Ct., No. 49D01-2209-PL-031056

▣ Fetal personhood & the internal contradiction

Indiana's law contains explicit and unresolved contradictions in its treatment of fetal personhood. The feticide statute (IC 35-42-1-6) protects the unborn 'at any stage of development' from third-party violence, treating the fetus as equivalent to a born person for homicide purposes—yet simultaneously exempts the pregnant woman entirely and even exempts a physician who performs an unauthorized abortion from feticide liability.

Ind. Code § 35-42-1-6 · Ind. Code § 16-34-2-1.1(a)(1)(E)

MINORS

An unemancipated minor under 18 must obtain notarized written consent from one parent, legal guardian, or custodian, along with government ID and proof of relationship; a judicial bypass is available.

SPOUSAL / PATERNAL RIGHTS

Indiana has no statute requiring spousal consent or notice for abortion; the only paternal involvement required is for minors (parental consent) and a mandated counseling statement about paternal child-support obligations.

▣ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (unlawful abortion)	Performance of unlawful abortion under IC 16-34-2-7(a)	Level 5 felony: 1-6 years imprisonment, fine up to \$10,000; plus medical license suspension or revocation
Physician (parental consent violation)	Abortion without parental consent or judicial waiver under IC 16-34-2-7(b)	Class A misdemeanor: up to 1 year imprisonment, fine up to \$5,000
Any person (informed consent violation)	Performing an abortion without complying with informed consent requirements under IC 16-34-2-7(c)	Class A infraction: civil fine only
Third party (feticide)	Feticide under IC 35-42-1-6(b)	Level 3 felony: 3-16 years imprisonment, fine up to \$10,000
False parent claiming consent	Falsely claiming to be parent to circumvent parental consent under IC 16-34-2-4(m)	Level 6 felony: 6 months to 2.5 years imprisonment, fine up to \$10,000

▣ Recent changes

- Jun 2026

Indiana Supreme Court denies transfer in Planned Parenthood as-applied challenge, letting stand the Court of Appeals ruling that the ban's exceptions are constitutionally adequate.

- Mar 2026

Marion Superior Court enters permanent injunction in RFRA class action, blocking enforcement of abortion ban against plaintiffs and certified class of all Indianans who may need religiously-mandated abortions.
- Jan 2026

SB 236 passes Indiana Senate 35-10, creating a private civil-bounty enforcement mechanism for abortion-inducing drugs with minimum \$100,000 damages. Referred to House; not yet enacted.
- Aug 2025

Indiana Court of Appeals rejects Planned Parenthood's as-applied challenge to the narrowness of the ban's exceptions, ruling that the health exception as drafted survives constitutional scrutiny.
- Jan 2025

SB 171 introduced in 2025 session: would ban abortion-inducing drugs outright, require rape affidavit, and expand reporting. Bill did not pass.
- May 2024

Federal district court permanently enjoins Indiana's aid-or-assist statute insofar as it prohibits disseminating information about out-of-state abortion access to minors, on First Amendment grounds.
- Apr 2024

Indiana Court of Appeals affirms preliminary injunction and class certification in RFRA-based challenge to abortion ban.

⌵ Pending changes to watch

Individual Members of the Medical Licensing Board of Indiana v. Anonymous Plaintiff 1 (RFRA appeal)
Litigation · Indiana Supreme Court granted direct transfer of appeal from the March 5, 2026 permanent injunction; oral arguments expected September 2026.
If the Indiana Supreme Court reverses the permanent injunction, the abortion ban will again be fully enforceable against all persons, including those with religious objections.

Indiana SB 236 (2026) — Abortion-inducing drug ban with civil bounty enforcement
Legislation · Passed Indiana Senate 35-10 on January 28, 2026; pending in Indiana House of Representatives. Not yet enacted.
If enacted, SB 236 would create a private civil cause of action allowing any person to sue manufacturers, distributors, prescribers, mailers, transporters, or others involved with abortion-inducing drugs, with minimum statutory damages of \$100,000 per violation.

⌵ Key authorities

SEA 1 / SB 1 — Near-Total Abortion Ban Ind. Code § 16-34-2-1
The operative near-total ban: declares abortion a criminal act except under four narrow exceptions and establishes all procedural and facility requirements.

Abortion Definition Ind. Code § 16-18-2-1
Defines what conduct constitutes 'abortion' and therefore what the ban reaches; carves out removal of a dead fetus (miscarriage management).

Serious Health Risk Definition Ind. Code § 16-18-2-327.9
Defines the physical-health exception narrowly to exclude mental health and self-harm claims, making it one of the most restrictive health exceptions in the country.

Indiana Supreme Court uphold of ban Members of the Med. Licensing Bd. of Ind. v. Planned Parenthood Great Nw., 211 N.E.3d 937 (Ind. 2023)
The controlling Indiana Supreme Court decision upholding SEA 1 against facial state-constitutional challenge and defining the scope of abortion rights under the Indiana Constitution.

Unlawful Abortion Penalty Ind. Code § 16-34-2-7
Establishes criminal penalties: Level 5 felony for unlawful abortion, Class A misdemeanor for parental-consent violation, and mother-exemption for partial-birth/dismemberment procedures.

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