

STATE LEGAL SNAPSHOT

Kansas

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 up to 22 weeks (last menstrual period), currently available.

GESTATIONAL LIMIT	22 weeks	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
✓ TELEHEALTH	Allowed	WAITING PERIOD	24 hours	RAPE / INCEST EXCEPTION	N/A	PARENTAL INVOLVEMENT	Consent both parents		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Kansas protects abortion as a fundamental state constitutional right and generally permits it through 22 weeks from LMP, with post-viability limits and multiple statutory restrictions — some enjoined.

Hodes & Nauser, MDs v. Schmidt, 309 Kan. 610, 440 P.3d 461 (2019) · K.S.A. 65-6723(f)

☒ Fetal personhood & the internal contradiction

Kansas law contains deep internal contradictions on fetal personhood. K.S.A. 65-6732 declares that life begins at fertilization and that unborn children possess 'all the rights, privileges and immunities available to other persons,' and K.S.A. 21-5419 defines an unborn child as 'a living individual organism . . . at any stage of gestation from fertilization to birth' for homicide purposes.

K.S.A. 21-5419(a)(2) · K.S.A. 65-6732(b)

MINORS

Unemancipated minors must obtain notarized written consent from both parents (or the custodial parent) before an abortion, unless waived by a court through judicial bypass or in a medical emergency.

SPOUSAL / PATERNAL RIGHTS

Kansas has no statute requiring spousal consent or spousal notification for abortion; such a law would be unconstitutional under *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976).

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician — post-viability violation	Performing abortion on viable unborn child without compliance with K.S.A. 65-6703	First conviction: class A nonperson misdemeanor (up to 1 year jail, fine); subsequent: severity level 10 nonperson felony (5–9 months prison); plus license discipline
Physician — pain-capable unborn child violation	Performing abortion on unborn child at 22 weeks LMP or more in violation of K.S.A. 65-6724	First conviction: class A person misdemeanor (up to 1 year jail, fine); subsequent: severity level 10 person felony; plus license discipline
Physician — medication in-person requirement violation	Violating K.S.A. 65-4a10(b) (in-person medication administration)	Unprofessional conduct under K.S.A. 65-2837; license may be revoked, suspended, or limited by Board of Healing Arts
Physician — partial-birth abortion	Performing partial-birth abortion on viable unborn child without documented referral and life/health determination	First conviction: class A person misdemeanor; subsequent: severity level 10 person felony; plus license discipline
Physician — sex-selection abortion	Performing abortion knowing it is sought solely based on sex of unborn child	First conviction: class A person misdemeanor; subsequent: severity level 10 person felony; plus civil damages, statutory damages of 3x cost of abortion, and attorney fees

☒ Recent changes

- Oct 2025 The two-week bench trial in *Hodes & Nauser v. Kobach* (No.

- Apr 2025

Aria Medical Clinic LLC and APRN Elyse Gilbert filed suit challenging Kansas's prohibition on APRNs prescribing abortion medication, arguing it violates the Kansas Constitution's equal protection and personal-autonomy guarantees.
- Jul 2024

The Kansas Supreme Court issued two landmark rulings: *Hodes & Nauser v. Kobach* (No. 124,130) permanently struck down the D&E dismemberment ban (SB 95), and *Hodes & Nauser v. Stanek* (No. 124,131).
- Jul 2024

HB 2749 took effect, requiring providers to ask and report patients' reasons for seeking abortion and collect detailed demographic information; the Center for Reproductive Rights and Planned Parenthood immediately challenged it as part of the ongoing *Hodes & Nauser v.*
- Jul 2024

The 2024 coercion-to-abortion law (HB 2436) took effect, making it a crime to coerce a pregnant woman into having an abortion against her expressed wishes, with enhanced penalties when the perpetrator is the father and the woman is a minor.
- Oct 2023

Johnson County District Court Judge Christopher Jayaram issued a temporary injunction blocking enforcement of the abortion-pill-reversal mandate, portions of the biased-counseling law, the 30-minute post-counseling waiting period, and formatting requirements for consent materials.
- Apr 2023

The Kansas Legislature overrode Governor Laura Kelly's veto to enact HB 2264, requiring physicians to tell medication-abortion patients that the effects of mifepristone 'may be reversible' — a claim unsupported by medical evidence.

⌵ Pending changes to watch

Hodes & Nauser v. Kobach, No. 23CV03140 (Johnson County District Court) Litigation · Trial concluded October 17, 2025; post-trial briefing and final decision pending. A ruling for the plaintiffs could permanently strike down the 24-hour waiting period, the abortion-pill-reversal mandate, biased state-scripted counseling including contested medical claims, and the requirement to report patients' reasons for seeking abortion.
Aria Medical Clinic LLC v. Kansas Board of Nursing (Shawnee County District Court) Litigation · Complaint filed April 22, 2025; state's motion to dismiss denied December 2025; discovery and merits briefing underway. If successful, APRNs would be permitted to prescribe medication abortion, significantly expanding the pool of abortion providers in Kansas and potentially allowing abortion care at more rural and underserved locations.
SB 174 / HB 2171 — 'Abolish Abortion Kansas Act' (2025–2026 Session) Legislation · Introduced; referred to committees. Not expected to pass given the constitutional protection and Democratic governor. If enacted (extremely unlikely), it would criminalize all abortion in Kansas, directly conflict with the Kansas Supreme Court's <i>Hodes I</i> strict-scrutiny holding, and almost certainly be enjoined immediately.

⌵ Key authorities

Hodes & Nauser, MDs v. Schmidt (Hodes I) 309 Kan. 610, 440 P.3d 461 (2019) Established that section 1 of the Kansas Constitution Bill of Rights protects a fundamental right to personal autonomy that includes the right to abortion, subject to strict scrutiny — the foundational authority for all Kansas abortion law.
Hodes & Nauser v. Kobach (D&E ban) 318 Kan. 940, 551 P.3d 37 (2024) Permanently struck down the D&E dismemberment ban (SB 95) under the strict-scrutiny standard, holding the state failed to show the ban was narrowly tailored to a compelling interest.
Hodes & Nauser v. Stanek (TRAP laws) 318 Kan. 995, 551 P.3d 62 (2024) Permanently struck down the abortion-facility licensure TRAP laws (K.S.A. 65-6702).
Kansas definition and general provisions K.S.A. 65-6701 Defines 'abortion,' 'medical emergency,' 'viable,' 'pregnant,' and other operative terms; carves out ectopic pregnancy, miscarriage management, and contraception.
Post-viability abortion restriction K.S.A. 65-6703 Prohibits abortion after viability except for life or substantial/irreversible physical impairment of a major bodily function, with two-physician referral requirement; includes the mother-exemption and civil-remedy provisions.

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