

STATE LEGAL SNAPSHOT

Michigan

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	Consent one parent		
✓ SHIELD STATE	Yes	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Michigan's constitution guarantees a fundamental right to reproductive freedom including abortion; the state may regulate only after fetal viability, and must always permit abortion to protect life or physical or mental health.

Mich. Const. art. I, § 28(1) · Northland Family Planning Center v. Nessel, No. 24-000011-MM (Mich. Ct. Cl. May 13, 2025)

☒ Fetal personhood & the internal contradiction

Michigan law embodies a striking internal contradiction in its treatment of fetal status. On one hand, the Penal Code defines the unborn as a 'live human being' (MCL 750.213a) and 'an individual organism of the species Homo sapiens' (MCL 333.17015), criminalizes killing an 'unborn quick child' as manslaughter (MCL 750.322), and creates a separate crime for assault causing death to an embryo or fetus 'at any stage of development' (MCL 750.90b). The wrongful-death statute (MCL 600.2922a) allows a civil claim for death of an embryo or fetus — again at any stage. Yet the Michigan Constitution (art.

MCL 750.322 · MCL 777.16d (sentencing guidelines for MCL 750.90b) · MCL 750.213a(5)(c)

MINORS

Michigan requires written consent from one parent or legal guardian for a minor's abortion, with a judicial bypass available; the requirement is waived in medical emergencies.

SPOUSAL / PATERNAL RIGHTS

Michigan has no statute requiring spousal consent or notice for abortion; no paternal consent requirement exists beyond the parental consent law for minors.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician — parental consent violation	Intentional performance of abortion on minor without parental consent or judicial waiver	Misdemeanor; also prima facie evidence in civil action for failure to obtain informed consent or interference with family relations; exemplary damages possible
Any person — coercion to abort	Coercion of pregnant individual to have abortion against her will	For threats/assault: same penalty as underlying offense; for coercion after refusal: misdemeanor, fine up to \$5,000 (up to \$10,000 if perpetrator is father and individual is minor)
Health professional or facility — improper reimbursement	Seeking or accepting reimbursement for abortion knowing public funds used in violation of MCL 400.109a	Civil penalty (amount not specified in MCL 400.109e(3))
Third party — fetal homicide (MCL 750.90b)	Assault on pregnant individual resulting in miscarriage, stillbirth, or death to embryo or fetus	Class C felony (death, max 15 years); Class D felony (great bodily harm, max 10 years); misdemeanor (physical injury, max 93 days / \$1,000 fine)
Third party — manslaughter of unborn quick child (MCL 750.322)	Willful killing of unborn quick child by injury to mother	Manslaughter (felony, max 15 years under MCL 750.321)

Recent changes

Jul 2025	Michigan Court of Claims dismissed YWCA's challenge to the Medicaid abortion ban for lack of standing; YWCA and ACLU of Michigan filed notice of appeal.
May 2025	Michigan Court of Claims issued permanent injunction striking down the 24-hour waiting period, mandatory informed consent, and physician-only rule as unconstitutional under the RFFA; upheld coercion screening.
Jun 2024	YWCA of Kalamazoo sued the state in Michigan Court of Claims, challenging the Medicaid abortion funding ban under the RFFA.
Jun 2024	Michigan Court of Claims granted preliminary injunction blocking enforcement of the 24-hour waiting period, mandatory informed consent, and physician-only rule in Northland v. Nessel.
Feb 2024	Northland Family Planning Center v.
Dec 2023	Governor Whitmer signed HB 4949, the final piece of the RHA, repealing Michigan's requirement for a separate insurance rider for abortion coverage.
Nov 2023	Governor Whitmer signed the Reproductive Health Act (2023 PA 286), codifying constitutional protections, repealing TRAP laws, the partial-birth abortion ban, and the public-university referral prohibition.

Pending changes to watch

YWCA of Kalamazoo v. Michigan (Medicaid funding ban appeal) Litigation · Dismissed for lack of standing by Michigan Court of Claims (July 3, 2025); appeal filed with Michigan Court of Appeals If the appeal succeeds in establishing standing and the court reaches the merits, the Medicaid abortion funding ban (MCL 400.109a) could be invalidated under the RFFA, requiring Michigan Medicaid to cover abortion beyond the Hyde categories.
Northland Family Planning Center v. Nessel (possible appeal) Litigation · Permanent injunction issued May 13, 2025; notice of appeal possible by intervening defendant (People of the State of Michigan) If appealed and reversed, the 24-hour waiting period, mandatory informed consent, and physician-only rule could be reinstated.
Right to Life of Michigan v. Nessel (Elliott-Larsen challenge) Litigation · Filed in federal court (W.D. Mich.) February 6, 2026; Sixth Circuit dismissed appeal May 27, 2026 This lawsuit challenged the 2023 amendment to Michigan's Elliott-Larsen Civil Rights Act that prohibits employment discrimination based on termination of pregnancy.

Key authorities

Reproductive Freedom for All Amendment (RFFA) Mich. Const. art. I, § 28 (effective Dec. 24, 2022) The supreme source of abortion law in Michigan: establishes reproductive freedom as a fundamental right, requires strict scrutiny for restrictions, permits regulation only after viability with mandatory health exceptions.
Reproductive Health Act (RHA) 2023 Mich. Pub. Acts 286, MCL 333.26101–.26107 (effective Feb. 13, 2024) Statutory codification of constitutional protections; repealed TRAP laws, partial-birth abortion ban, public university referral prohibition, and insurance rider requirement; creates private right of action for violations.
Northland Family Planning Center v. Nessel No. 24-000011-MM (Mich. Ct. Cl. May 13, 2025) Permanently enjoined the 24-hour waiting period, mandatory informed consent, and physician-only rule as unconstitutional under the RFFA; upheld coercion screening; the leading judicial interpretation of the RFFA.
Planned Parenthood of Michigan v. Attorney General No. 22-00044-MM (Mich. Ct. Cl. Sept. 7, 2022) Permanently enjoined the 1931 pre-Roe criminal abortion ban under the Michigan Constitution's Due Process and Equal Protection Clauses; preceded and was superseded by the RFFA and statutory repeal.
Parental Rights Restoration Act 1990 PA 211, MCL 722.901–722.909 Michigan's only remaining pre-viability restriction: requires one-parent consent for minors with judicial bypass; violation is a misdemeanor.

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