

STATE LEGAL SNAPSHOT

Mississippi

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 — not currently available.

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

§ Jurisdiction overview

Mississippi enforces a near-total abortion ban under its 2007 trigger law, effective July 7, 2022, with exceptions only to save the mother's life or for rape reported to law enforcement.

Miss. Code Ann. § 41-41-45(2) · Dobbs v. Jackson Women's Health Org., 597 U.S. 215 (2022) · Pro-Choice Mississippi v. Fordice, 716 So. 2d 645 (Miss. 1998)

☒ Fetal personhood & the internal contradiction

Mississippi's legal treatment of fetal personhood is internally contradictory. On one hand, the homicide code (§ 97-3-37) defines 'human being' to include 'an unborn child at every stage of gestation from conception until live birth'—a sweeping personhood declaration.

Miss. Code Ann. § 97-3-37(1) · Miss. Code Ann. § 97-3-37(3) · Miss. Code Ann. § 41-41-34.1(1)(c)

MINORS

Mississippi requires the written consent of both parents for a minor to obtain an abortion, with exceptions for medical emergency, emancipation, and judicial bypass.

SPOUSAL / PATERNAL RIGHTS

Mississippi has no statute requiring spousal consent or notice for abortion; the only paternal right is the husband's civil action for partial-birth abortion under § 41-41-73(3).

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician performing illegal abortion	Violation of abortion prohibition (trigger ban, heartbeat ban), performing abortion after 15 weeks, performing partial-birth abortion, performing dismemberment abortion	Felony, 1–10 years imprisonment and/or fine (trigger/heartbeat/15-week bans); felony, up to 2 years and/or \$25,000 fine (partial-birth ban); license suspension or revocation (15-week ban)
Non-physician performing abortion	Performing or inducing an abortion (trigger ban, heartbeat ban), performing partial-birth abortion as non-physician, or providing abortion-inducing drugs as non-physician	Felony, 1–10 years imprisonment and/or fine (trigger/heartbeat); felony, up to 2 years and/or \$25,000 fine (partial-birth); same penalties as physician for performing abortion
Person distributing abortion-inducing drugs (HB 1613)	Aggravated drug trafficking (200+ dosage units of abortion-inducing drugs)	Felony, 1–10 years imprisonment
Non-physician prescriber or pharmacist	Giving, selling, dispensing, administering, or prescribing abortion-inducing drug without being a physician (§ 41-41-107)	Felony (under general abortion penalty framework, § 41-41-39), 1–10 years imprisonment; also risk of professional license action
Third party injuring fetus (not abortion)	Homicide, assault, or injury to unborn child at any stage of gestation	Varies by offense: up to 20 years and/or \$7,500 fine for causing miscarriage/stillbirth; misdemeanor (up to 6 months and/or \$1,000 fine) for minor injury to embryo or fetus

☒ Recent changes

- Jul 2026 HB 1613 takes effect. Abortion-inducing drugs are now classified under Mississippi's aggravated drug trafficking statute.

- **Apr 2026** Governor Tate Reeves signs HB 1613, adding abortion-inducing drugs to Mississippi's drug trafficking statute.
- **Jun 2025** Anti-abortion physicians file a petition with the Mississippi Supreme Court asking it to overturn Pro-Choice Mississippi v.
- **Jul 2022** Jackson Women's Health Organization voluntarily dismisses its state-court challenge to the trigger ban without prejudice, ending the only active litigation against the ban.
- **Jul 2022** Mississippi's trigger ban takes full effect. Jackson Women's Health Organization closes permanently.
- **Jul 2022** Chancery Judge Debbra Halford denies the clinic's request for a temporary restraining order to block the trigger ban, ruling that the Mississippi Supreme Court, not the chancery court, should decide matters of constitutional precedent.
- **Jun 2022** Mississippi Attorney General Lynn Fitch certifies the Dobbs decision, triggering the 10-day countdown for Mississippi's 2007 trigger ban to take effect.

⌵ Pending changes to watch

Petition to overturn Pro-Choice Mississippi v. Fordice
Litigation · Pending before the Mississippi Supreme Court; petition filed June 2025, not yet ruled on
If the Mississippi Supreme Court overturns the 1998 Fordice precedent, it would eliminate the last remaining legal argument that the Mississippi Constitution independently protects abortion rights, solidifying the trigger ban against any state constitutional challenge.

⌵ Key authorities

Mississippi Trigger Ban Miss. Code Ann. § 41-41-45 The operative near-total abortion ban, effective July 7, 2022, prohibiting all abortions except to preserve the mother's life or for rape reported to law enforcement.
Fetal Heartbeat Ban Miss. Code Ann. § 41-41-34.1 Prohibits abortion after detection of fetal cardiac activity (approx.
Abortion Penalty Provision Miss. Code Ann. § 41-41-39 Establishes the felony classification and 1–10 year sentence range for violating Mississippi's abortion prohibitions.
Medication Abortion Restrictions Miss. Code Ann. §§ 41-41-105 through 41-41-109 Physician-only, in-person examination and administration requirements for abortion-inducing drugs; defines 'abortion-inducing drug.'
Fetal Homicide Statute Miss. Code Ann. § 97-3-37 Defines 'human being' to include an unborn child at every stage of gestation for homicide and assault purposes, while expressly exempting legal abortions.

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