

STATE LEGAL SNAPSHOT

Montana

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

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



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Abortion is protected by the state constitution, legal up to 24 weeks (fertilization), currently available.

GESTATIONAL LIMIT	24 weeks	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Notification only	SHIELD STATE	No
MEDICAID	Broader than Hyde	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below				

§ Jurisdiction overview

Abortion is constitutionally protected in Montana and legal until fetal viability, presumed at 24 weeks gestational age, with a life/health exception after viability.

Mont. Const. art. II, § 36 · Armstrong v. State, 1999 MT 261, 296 Mont. 361, 989 P.2d 364 · Mont. Code Ann. § 50-20-109

☒ Fetal personhood & the internal contradiction

Montana law contains a striking set of internal contradictions on fetal personhood. The same Montana Code Annotated that permits abortion up to viability — and constitutionally protects the right to abortion — also (1) defines deliberate homicide of a fetus as a crime punishable by death or life imprisonment (§ 45-5-102(1)(c)), (2) declares that a 'child conceived but not yet born is to be deemed an existing person' (§ 41-1-103), and (3) states that 'the state has a duty to protect innocent life' (§ 50-20-102(e)).

Mont. Code Ann. § 45-5-116(1) · Mont. Code Ann. § 45-5-102(1)(c) · Mont. Code Ann. § 50-20-102(e)

MINORS

Minors under 16 must have a parent or guardian notified 48 hours before an abortion, with judicial bypass available. The parental consent law was struck down as unconstitutional.

SPOUSAL / PATERNAL RIGHTS

Montana has no statute requiring spousal or paternal consent or notice for abortion. The repealed § 50-20-107 formerly addressed spousal consent but no longer exists.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (violating viability ban)	Performing abortion on viable fetus not necessary to preserve life/health of mother	Felony: fine up to \$1,000, prison up to 5 years, or both (§ 50-20-112(2))
Physician (violating D&X/partial-birth ban)	Purposely, knowingly, or negligently causing a partial-birth abortion	Felony: fine up to \$50,000, prison 5-10 years, permanent license revocation (§ 50-20-401(4))
Provider (documentation/reporting violations)	Violation of abortion reporting and documentation requirements (§ 50-20-110)	Misdemeanor: fine up to \$500, jail up to 6 months; plus unprofessional conduct — license suspension up to 1 year
Provider (parental notice violation)	Performing abortion on minor under 16 without required 48-hour parental notice	Misdemeanor: fine and jail up to 6 months; prima facie evidence of professional violation (§§ 50-20-229, 50-20-232)
Pregnant woman	None — expressly exempt from all penalties under abortion chapter	No penalty may be imposed (§ 50-20-112(4)(a))

☒ Recent changes

Jul 2025	U.S. Supreme Court denies certiorari in Montana v. Planned Parenthood of Montana, leaving in place the Montana Supreme Court's decision striking down the parental consent law.
Jul 2025	CI-128 takes effect, adding Article II, Section 36 to the Montana Constitution — the explicit right to make and carry out decisions about one's own pregnancy, including the right to abortion, and protection for helpers.

- Jun 2025

Montana Supreme Court in Knudsen (2025 MT 120) affirms permanent injunction of 20-week abortion ban, telemedicine ban, 24-hour waiting period, biased counseling mandate, and ultrasound requirement, holding all violate Montana's constitutional right to privacy.
- Mar 2025

Montana District Court permanently enjoins HB 544, HB 862, and DPHHS rule restricting Medicaid coverage of abortion.
- Mar 2025

Montana District Court permanently enjoins D&E ban (§ 50-20-1003) and direct-to-patient telehealth medication abortion restrictions, ruling both violate the Montana Constitution.
- Nov 2024

Montana voters approve CI-128, the Right to Abortion Initiative, amending the Montana Constitution to explicitly protect the right to make and carry out decisions about pregnancy, including the right to abortion.
- Oct 2024

Montana Supreme Court affirms preliminary injunction against Medicaid abortion restrictions (HB 544, HB 862, DPHHS rule) in Planned Parenthood v. State, 2024 MT 228.

⌵ Pending changes to watch

Planned Parenthood v. State (Medicaid restrictions appeal)
Litigation · State's appeal of permanent injunction against HB 544, HB 862, and DPHHS rule pending before Montana Supreme Court
If reversed, Montana Medicaid would no longer cover abortion beyond Hyde minimums (life, rape, incest), would require prior authorization, and would exclude APCs from performing Medicaid-reimbursed abortions.

All Families Healthcare v. Montana (HB 937 clinic licensure appeal)
Litigation · State's appeal of preliminary injunction against abortion clinic licensure law pending; Montana Supreme Court affirmed preliminary injunction, merits remain at district court
If HB 937 takes effect, abortion clinics providing medication abortion to 5+ patients annually or performing any procedural abortion would need a special state license and comply with facility requirements modeled on ambulatory surgical centers.

Challenge to Parental Notice of Abortion Act (LR-120)
Litigation · Constitutional challenge pending in Montana district court; state seeks dismissal
If the Notice Act is struck down, no parental involvement would be required for minors seeking abortion in Montana. If upheld, the 48-hour notice requirement for minors under 16 remains.

⌵ Key authorities

Montana Constitution, Article II, Section 36 (CI-128) Mont. Const. art. II, § 36
Explicit state constitutional right to abortion, effective July 1, 2025; protects pre-viability abortion access, post-viability health/life exceptions, and helpers.

Montana Constitution, Article II, Section 10 Mont. Const. art. II, § 10
The foundational privacy provision interpreted in Armstrong to protect procreative autonomy; continues to provide independent protection alongside CI-128.

Armstrong v. State (1999) Armstrong v. State, 1999 MT 261, 296 Mont. 361, 989 P.2d 364
Established that Montana's constitutional right to privacy protects procreative autonomy including abortion, requiring strict scrutiny for all restrictions.

Planned Parenthood v. State (Knudsen) (2025) Planned Parenthood of Mont. v. State by & through Knudsen, 2025 MT 120, 570 P.3d 51
Sweeping 2025 decision permanently striking down 20-week ban, telemedicine ban, waiting period, counseling mandate, and ultrasound requirement.

Planned Parenthood v. State (parental consent) (2024) Planned Parenthood v. State, 2024 MT 178, cert. denied, 145 S. Ct. 2627 (2025)
Struck down parental consent requirement as violating minors' privacy and equal protection rights; U.S. Supreme Court denied review.

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