

STATE LEGAL SNAPSHOT

North Dakota

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

North Dakota prohibits abortion at all stages, with exceptions for death or serious health risk and for rape/incest through six weeks, enforced since November 21, 2025.

N.D.C.C. § 12.1-19.1-02 · Access Independent Health Services, Inc. v. Wrigley, 2025 ND 26 · N.D. Const. art. VI, § 4

☒ Fetal personhood & the internal contradiction

North Dakota's law contains significant internal contradictions regarding fetal personhood. The Abortion Control Act defines human being to include the unborn from fertilization to full gestation (N.D.C.C. § 14-02.1-02(7)), and its stated purpose is to protect every human life whether unborn or aged, healthy or sick (§ 14-02.1-01). Yet the criminal abortion ban itself (ch.

N.D.C.C. §§ 12.1-17.1-01(2), 12.1-17.1-07 · N.D.C.C. § 14-02.1-02(7)

MINORS

An unemancipated minor under 18 must obtain written consent from both parents (or the surviving/custodial parent or guardian) before an abortion, with a judicial bypass available.

SPOUSAL / PATERNAL RIGHTS

A provision requiring written spousal consent for post-viability abortions remains in the Abortion Control Act, though likely un-enforceable under federal precedent.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician performing prohibited abortion	Performing abortion in violation of N.D.C.C. § 12.1-19.1-02	Class C felony: up to 5 years imprisonment, \$10,000 fine, or both; plus medical board discipline
Non-physician performing abortion	Performing abortion without being a licensed physician	Class B felony: up to 10 years imprisonment, \$20,000 fine, or both
Physician violating Abortion Control Act procedures	Performing abortion without complying with admitting privileges, ultrasound offer, or other ch. 14-02.1 requirements	Class A misdemeanor: up to 360 days imprisonment, \$3,000 fine, or both
Person violating public funding or insurance restrictions	Violating ch. 14-02.3 (public funds for abortion, insurance restrictions, government hospital ban)	Class B misdemeanor: up to 30 days imprisonment, \$1,500 fine, or both
Pregnant woman	None (expressly exempt from abortion crime; excluded from fetal homicide person definition)	No criminal or civil penalty under abortion ban or fetal homicide law

☒ Recent changes

Jan 2026	Attorney General Drew Wrigley issues a cease-and-desist order against Prairie Abortion Fund under the Consumer Fraud Law, alleging the nonprofit facilitated unlawful sale of abortion pills in North Dakota.
Nov 2025	North Dakota Supreme Court issues final merits decision reversing the district court and upholding the abortion ban.

- Feb 2025

Four abortion-related bills fail in the North Dakota House: personhood bill HB 1373 (defeated 77-16), 15-week legalization HB 1488 (87-6), IVF protection (59-34), and contraception protection (66-27).
- Jan 2025

North Dakota Supreme Court denies State's motion to stay the district court's injunction pending appeal, finding the state unlikely to succeed on the merits (Access Indep.
- Sep 2024

Burleigh County District Court Judge Bruce Romanick grants summary judgment for plaintiffs, declaring N.D.C.C. ch.
- Apr 2023

Governor Doug Burgum signs SB 2150, enacting N.D.C.C. ch.
- Mar 2023

North Dakota Supreme Court in Wrigley v.

⌵ Pending changes to watch

No active bills with realistic prospects

Legislation · The 2025 legislative session has concluded.

No legislative changes to the abortion landscape are currently pending. The next regular session is in 2027, though a special session could theoretically be called.

No active abortion litigation with realistic prospects of material change

Litigation · The North Dakota Supreme Court's November 2025 merits decision in Access Independent Health Services v.

No realistic prospect of immediate change through litigation.

No abortion-related ballot measure qualified for 2026

Ballot measure · As of July 2026, no abortion-related ballot measure has qualified for the North Dakota ballot.

No abortion-rights or personhood ballot measure is pending.

⌵ Key authorities

N.D.C.C. ch. 12.1-19.1 – Criminal Abortion Ban (SB 2150)

N.D.C.C. §§ 12.1-19.1-01 through 12.1-19.1-03

The operative near-total abortion ban, enacted in 2023, making abortion a class C felony with exceptions for life, serious health risk, and rape/incest at ≤6 weeks.

N.D.C.C. ch. 14-02.1 – Abortion Control Act

N.D.C.C. §§ 14-02.1-01 through 14-02.1-07

Regulates the circumstances under which lawful abortion may be performed: informed consent, 24-hour waiting period, ultrasound offer, admitting privileges, parental consent, and personhood definitions.

N.D. Const. art. I, § 1 – Inalienable Rights

N.D. Const. art. I, § 1

The constitutional provision on which the plaintiffs in Wrigley v.

N.D. Const. art. VI, § 4 – Supermajority Rule

N.D. Const. art. VI, § 4

Requires four of five justices to declare a statute unconstitutional; the rule that caused the abortion ban to be upheld despite three justices finding it unconstitutional.

Wrigley v. Romanick

2023 ND 50, 988 N.W.2d 231

Held that the state constitution protects a fundamental right to abortion to preserve life or health; prompted the legislature to repeal the trigger ban and enact the current ch.

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