

STATE LEGAL SNAPSHOT

New Jersey

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

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is **protected by statute**, legal at every stage of pregnancy — **no gestational limit**, currently available.

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

§ Jurisdiction overview

New Jersey protects abortion as a fundamental right under the Freedom of Reproductive Choice Act (2022) and state constitutional privacy doctrine, with no gestational limit.

N.J.S.A. 10:7-2 · Right to Choose v. Byrne, 91 N.J. 287 (1982)

☒ Fetal personhood & the internal contradiction

New Jersey's legal framework is internally consistent on fetal personhood: it does not recognize fetal personhood in any statute or constitutional provision. The homicide code requires live birth for a human victim. The Wrongful Death Act does not extend to the unborn. No fetal homicide statute exists, despite repeated legislative attempts. The Freedom of Reproductive Choice Act, by protecting the right to 'terminate a pregnancy,' is squarely inconsistent with fetal personhood. The only potential tension is the D&X ban at N.J.S.A.

State v. McClain, No. 19001375 (N.J. Super. Ct. Law Div. Nov. 22, 2024) · S2436 (2005) / A2357 (2020)

MINORS

New Jersey does not require parental consent or notification for a minor to obtain an abortion; the parental notification statute was struck down as unconstitutional in 2000.

SPOUSAL / PATERNAL RIGHTS

New Jersey has no spousal or paternal consent or notice requirement for abortion; no such statute exists in the current code.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician performing D&X ('partial-birth abortion')	Performance of prohibited partial-birth abortion under N.J.S.A. 2A:65A-6	Immediate license revocation and \$25,000 civil penalty per incident
Ambulatory care facility where D&X performed	Performance of prohibited partial-birth abortion at licensed facility under N.J.S.A. 2A:65A-6	Immediate revocation of facility license
All other actors (pregnant person, other clinicians, nurses, pharmacists, helpers, funds)	None — no criminal or civil penalty applies for providing, obtaining, or assisting with abortion (other than the unenforced D&X ban)	None

☒ Recent changes

Jul 2022	New Jersey enacted L. 2022, c.
Jun 2022	U.S. Supreme Court decided Dobbs v. Jackson Women's Health Organization, overruling Roe v. Wade and Planned Parenthood v. Casey.
Jan 2022	Freedom of Reproductive Choice Act (P.L. 2021, c.
Oct 2021	State Board of Medical Examiners voted unanimously to repeal N.J.A.C.
Aug 2000	New Jersey Supreme Court struck down the Parental Notification for Abortion Act (N.J.S.A.

- **Aug 1982** New Jersey Supreme Court decided Right to Choose v.
- **Jan 1979** New Jersey repealed its pre-Roe criminal abortion ban (N.J.S.A. 2A:87-1) through L. 1979, c. 178, removing criminal penalties for abortion from the code.

📌 Pending changes to watch

Reproductive Freedom and Health Equity Bill Package (2024-2025 session)
Legislation · Did not pass during 2024-2025 session, which ended January 13, 2026; expected to be reintroduced in the 2026-2027 session.
Would further codify and expand abortion access by statutory protections for provider categories, insurance mandates, shield-law enhancements, and administrative support for reproductive health care.

A2217/S3490 (2026-2027 session) — Abortion provider authority codification
Legislation · Introduced in the 2026-2027 session.
Would statutorily codify the regulatory expansions adopted by the Board of Medical Examiners in 2021, making it harder for a future administration to reverse them.

S382/A4557 — 'Pain-Capable Unborn Child Protection Act' (2024-2025 session)
Legislation · Introduced January 9, 2024; referred to Senate Health, Human Services and Senior Citizens Committee.
If enacted, would impose New Jersey's first gestational limit — a ban at 20 weeks post-fertilization (approximately 22 weeks LMP).

📌 Key authorities

Freedom of Reproductive Choice Act N.J.S.A. 10:7-1 to 10:7-7 (P.L. 2021, c. 375)
The controlling statute codifying the fundamental right to reproductive autonomy, including the right to terminate a pregnancy, without gestational limit.

Right to Choose v. Byrne 91 N.J. 287 (1982)
The foundational New Jersey Supreme Court decision recognizing a state constitutional fundamental right to reproductive choice broader than the federal right, and requiring Medicaid to fund medically necessary abortions.

Planned Parenthood of Central New Jersey v. Farmer 165 N.J. 609 (2000)
Struck down New Jersey's parental notification requirement as unconstitutional under the state equal protection clause, eliminating the only parental-involvement law for abortion.

Extradition prohibition for reproductive health care N.J.S.A. 2A:160-14.1 (L. 2022, c. 50)
Prohibits the Governor from extraditing anyone to another state for charges related to providing, receiving, assisting, or traveling for reproductive health care services lawful in New Jersey.

Partial-birth abortion ban N.J.S.A. 2A:65A-6 (L. 1997, c. 262)
The only abortion-prohibitive statute remaining in the New Jersey code; held unconstitutional but never formally repealed. Not enforced in practice.

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