

Texas

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 banned at every stage of pregnancy — availability: severely restricted.

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

§ Jurisdiction overview

Texas enforces a near-total abortion ban with a narrow medical emergency exception, backed by overlapping criminal, civil, and private-enforcement statutes.

Tex. Health & Safety Code § 170A.002(a) · Zurawski v. State of Texas, No. 23-0629 (Tex. May 31, 2024)

☒ Fetal personhood & the internal contradiction

Texas's legal treatment of fetal personhood is internally consistent but conceptually layered. The Penal Code and Civil Code both define the unborn child as an 'individual' — a person — from fertilization, giving the fetus homicide-victim status and wrongful-death standing. At the same time, both codes contain express carve-outs that exempt the pregnant woman from criminal and civil liability for the death of the unborn child (Penal Code § 19.06(1); Civil Practice & Remedies Code § 71.003(c)(1)), and exempt physicians who perform lawful medical procedures (Penal Code § 19.06(2)-(4); CPRC § 71.003(c)(2)-(4)).

Tex. Penal Code § 1.07(a)(26) · Tex. Penal Code § 19.06

MINORS

An unemancipated minor must obtain the consent of one parent, managing conservator, or guardian, and the physician must give at least 48 hours actual notice before the abortion; both requirements are waived in a medical emergency with insufficient time.

SPOUSAL / PATERNAL RIGHTS

Texas has no statute requiring spousal or paternal consent or notice for an abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (abortion provider)	Violation of § 170A.002 — performing, inducing, or attempting an abortion outside the medical emergency exception	Second-degree felony (2-20 years imprisonment, up to \$10,000 fine); first-degree felony (5-99 years or life, up to \$10,000 fine) if unborn child dies; civil penalty of not less than \$100,000 per violation; mandatory license revocation; Texas Medical Board discipline
Physician (SB 8 exposure)	Performing or inducing an abortion after detection of fetal cardiac activity (§ 171.204)	Private civil action: statutory damages of not less than \$10,000 per abortion, plus injunctive relief, costs, and attorney fees
Aider/abettor (SB 8)	Knowingly engaging in conduct that aids or abets an abortion after fetal cardiac activity detection, including paying for or reimbursing abortion costs	Same as above: private civil action, minimum \$10,000 statutory damages per violation plus injunctive relief, costs, and attorney fees
Medication provider/distributor (Ch. 171A)	Manufacturing, distributing, mailing, transporting, delivering, prescribing, or providing abortion-inducing drugs to or from any person or location in Texas	Qui tam civil action: minimum \$100,000 statutory penalty per violation, plus reasonable attorney fees and costs; potential criminal accomplice exposure under pre-Roe statutes (2-5 years)

ACTOR	OFFENSE	PENALTY
Pregnant woman	Not criminally or civilly liable under abortion-specific statutes (expressly exempted by § 170A.003, § 171.208(e), § 171A.051(b)(2))	None under abortion statutes; theoretical unresolved exposure under Penal Code fetal homicide provisions (§ 1.07(a)(26), § 19.06) has not been tested

Recent changes

- Dec 2025

HB 7 (Woman and Child Protection Act — medication provisions) takes effect, creating Chapter 171A, banning the manufacture, distribution, mailing, transportation, prescribing, and provision of abortion-inducing drugs, and creating a qui tam private civil enforcement mechanism with minimum \$100,000 penalty per violation and anti-shield provisions.
- Jun 2025

Life of the Mother Act (SB 31) signed into law and takes effect, amending § 170A.002 to clarify the medical emergency exception: 'life-threatening' means capable of causing death or potentially fatal; physician may act before risk becomes imminent; no requirement of prior physical impairment or damage.
- Jun 2025

Governor Abbott signs SB 33 (Woman and Child Protection Act), prohibiting governmental entities from transacting with abortion-assistance organizations.
- Oct 2024

U.S. Supreme Court denies certiorari in *Becerra v. Texas*, leaving the Fifth Circuit's EMTALA ruling as the controlling federal appellate authority in Texas.
- Jun 2024

Texas Medical Board adopts final rule (22 Tex. Admin.
- Jun 2024

U.S. Supreme Court decides *FDA v.*
- May 2024

Texas Supreme Court unanimously rejects *Zurawski* challenge, vacates trial court injunction, and holds that the medical emergency exception is constitutionally adequate; the law 'does not require that a woman's death be imminent.'

Pending changes to watch

Zurawski v. State of Texas (post-decision developments)

Litigation · Texas Supreme Court rejected facial challenge May 31, 2024; potential federal constitutional challenge or as-applied challenge could follow

A renewed as-applied challenge on behalf of specific medical conditions not adequately covered, or a federal constitutional claim, could further define the boundaries of the medical emergency exception; unlikely to substantially alter the regime given the unanimous Texas Supreme Court ruling.

Challenge to Chapter 171A (HB 7) medication ban

Litigation · Law took effect December 4, 2025; constitutional challenges anticipated on First Amendment, Commerce Clause, Full Faith and Credit, and Due Process grounds

A court could enjoin the anti-shield provisions, the qui tam enforcement mechanism, or the entire Chapter 171A on constitutional grounds; alternatively, the law may be upheld, substantially curtailing medication abortion access in Texas and creating interstate enforcement conflicts.

County abortion travel ban challenges

Litigation · County ordinances in Cochran, Goliad, Lubbock, and potentially other counties remain on the books; no appellate ruling on their constitutionality

A court ruling could either strike down all county travel bans as unconstitutional violations of the right to interstate travel, or could uphold them, encouraging more counties to adopt similar ordinances and further restricting practical access to out-of-state abortion.

Key authorities

- Human Life Protection Act (Trigger Ban)**

Tex. Health & Safety Code ch. 170A (added by H.B. 1280, 87th Leg., R.S., 2021)

The principal near-total abortion ban in Texas, prohibiting abortion from fertilization with a single medical emergency exception, enforced through criminal felony charges, civil penalties, and license revocation.
- Texas Heartbeat Act (SB 8)**

Tex. Health & Safety Code §§ 171.201–.212 (added by S.B. 8, 87th Leg., R.S., 2021)

The landmark private-enforcement abortion ban, allowing any person to sue for at least \$10,000 per prohibited abortion; its novel enforcement structure survived pre-enforcement Supreme Court review and served as the model for Chapter 171A.

Abortion-Inducing Drugs Ban (HB 7) Tex. Health & Safety Code ch. 171A (added by H.B. 7, 89th Leg., 2nd C.S., 2025)
Creates a dedicated medication-abortion enforcement regime with qui tam private enforcement (\$100,000+ per violation) and anti-shield provisions targeting out-of-state providers and shield-law states.

Abortion Definition and Exclusions Tex. Health & Safety Code § 245.002(1)
Defines 'abortion' as an act intended to cause the death of an unborn child of a woman known to be pregnant, with express exclusions for miscarriage management, ectopic pregnancy, and acts to save the unborn child.

Pre-Roe Criminal Abortion Statutes Tex. Rev. Civ. Stat. arts. 4512.1–.6 (formerly Tex. Penal Code arts. 1191–1196, 1925)
The pre-Roe criminal abortion laws that were challenged in Roe v.

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