

STATE LEGAL SNAPSHOT

Virginia

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

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is **banned after 27 weeks (last menstrual period)** — currently available.

GESTATIONAL LIMIT	27 weeks	✓ AVAILABLE	Yes	MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	No
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	RAPE / INCEST EXCEPTION	No	PARENTAL INVOLVEMENT	Consent one parent	SHIELD STATE	No
MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below				

§ Jurisdiction overview

Virginia permits abortion freely through the first and second trimesters (~26 weeks 6 days LMP); after the second trimester, abortion is lawful only in a hospital with three-physician certification of life or health endangerment.

Va. Code Ann. § 18.2-73

☒ Fetal personhood & the internal contradiction

Virginia's legal regime contains a significant internal tension between its permissive abortion framework and its fetal-protection statutes. On one hand, the Code permits abortion for any reason through the second trimester (~27 weeks), treats the woman as outside the reach of the criminal abortion statute, and has systematically repealed restrictions (waiting period, ultrasound, TRAP licensing) to reduce barriers. On the other hand, the same Code treats the fetus as a homicide victim 'regardless of the duration of pregnancy' when killed by a third party (Va. Code § 18.2-32.2, as construed in *Lawrence v.*

Va. Code Ann. § 18.2-32.2(A)

MINORS

An unemancipated minor must obtain notarized written consent from an authorized person (parent, guardian, or adult with care and control) or a court order; exceptions exist for abuse/neglect and medical emergency.

SPOUSAL / PATERNAL RIGHTS

Virginia has no statute on the books requiring spousal or paternal consent or notice for an abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (unlawful abortion)	Producing abortion or miscarriage outside lawful pathways, Va. Code § 18.2-71	Class 4 felony: 2–10 years imprisonment, fine up to \$100,000
Physician (partial birth infanticide)	Knowingly performing partial birth infanticide, Va. Code § 18.2-71.1(A)	Class 4 felony: 2–10 years imprisonment, fine up to \$100,000
APRN (abortion beyond first trimester)	Producing abortion or miscarriage outside lawful first-trimester pathway, Va. Code § 18.2-71	Class 4 felony: 2–10 years imprisonment, fine up to \$100,000
Provider (failure to obtain informed consent)	Failure to obtain informed written consent, Va. Code § 18.2-76(H)	Civil penalty only (not criminal)
Any person (encouraging/promoting prohibited abortion)	Encouraging or promoting prohibited abortion, Va. Code § 18.2-76.1	Class 3 misdemeanor: fine only (max \$500)

☒ Recent changes

- Mar 2025 Governor Youngkin signed SB 754, amending the Virginia Consumer Protection Act to prohibit businesses from obtaining or disclosing personally identifiable reproductive or sexual health information without consumer consent, effective July 1, 2025.

- Jan 2025

The Virginia House of Delegates and Senate passed HJ 1/SJ 247, the first legislative passage of a constitutional amendment to establish a fundamental right to reproductive freedom, sending it to the 2026 session for a required second passage before going to voters in November 2026.
- Apr 2024

Governor Glenn Youngkin vetoed four reproductive health shield-law bills (including SB 16 and SB 1098), preventing Virginia from adopting protections for providers and patients against out-of-state investigations.
- Jun 2022

The U.S. Supreme Court decided *Dobbs v. Jackson Women's Health Organization*, overturning *Roe v. Wade*.
- Mar 2021

Governor Northam signed HB 1896/SB 1276, repealing the prohibition on abortion coverage in qualified health insurance plans sold through Virginia's health benefits exchange, effective July 1, 2021.
- Jul 2020

Falls Church Medical Center v.
- Apr 2020

Governor Ralph Northam signed the Reproductive Health Protection Act (SB 733/HB 980), repealing the 24-hour waiting period, mandatory ultrasound, TRAP facility licensing, state-scripted informed consent, and physician-only requirement for first-trimester medication abortion; expanded first-trimester provision to APRNs.

⌵ Pending changes to watch

Virginia Right to Reproductive Freedom Amendment (2026)

Ballot measure · Passed first legislative passage (2025); requires second passage in 2026 General Assembly before November 3, 2026 ballot.

If adopted by voters, the Virginia Constitution would be amended to add Article I, § 11-A, establishing a 'fundamental right to reproductive freedom' including decisions about 'prenatal care, childbirth, postpartum care, contraception, abortion care, miscarriage management, and infertility care.' The amendment would permit regulation of abortion in the third trimester except where medically indicated to protect the life or physical or mental health of the pregnant individual.

Falls Church Medical Center v. Oliver — post-dismissal effect of injunction

Litigation · No active proceeding; the district court's 2019 injunction striking the second-trimester hospital requirement was never reviewed on appeal; its continued enforceability is legally uncertain.

If a new administration or prosecutor sought to enforce the hospital requirement in § 18.2-73, litigation would likely revisit whether the district court's 2019 injunction survived the voluntary dismissal of the appeal and whether the statute is constitutional post-*Dobbs*.

2026 Shield Law Legislation (anticipated)

Legislation · With Governor Spanberger's election and continuing Democratic majorities, new shield-law bills are expected in the 2026 session.

Would prohibit Virginia agencies from cooperating with out-of-state abortion investigations, bar extradition for abortion-related charges, and protect Virginia-licensed providers from adverse actions by other states.

⌵ Key authorities

Va. Code § 18.2-71 Va. Code Ann. § 18.2-71

Baseline criminal prohibition: Class 4 felony for producing abortion or miscarriage, which all other abortion provisions build from.

Va. Code §§ 18.2-72, 18.2-73, 18.2-74 Va. Code Ann. §§ 18.2-72, 18.2-73, 18.2-74

The three lawful pathways: first trimester (physician or APRN), second trimester (physician in hospital), third trimester (physician in hospital with three-physician certification of life/health endangerment).

Va. Code § 18.2-71.1 Va. Code Ann. § 18.2-71.1

Partial birth infanticide/D&X ban, with express exclusion of D&E and express mother exemption.

Va. Code § 18.2-76 Va. Code Ann. § 18.2-76

Informed written consent requirement; previously contained waiting period and ultrasound mandate, now stripped to basic consent.

Va. Code § 18.2-76.1 Va. Code Ann. § 18.2-76.1

Encouraging or promoting prohibited abortion — Class 3 misdemeanor; largely unenforceable after *Bigelow v. Virginia* (1975).

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