

STATE LEGAL SNAPSHOT

Wisconsin

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

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is **banned after 20 weeks (fertilization)** — currently available.

GESTATIONAL LIMIT	20 weeks	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	24 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Abortion is legal in Wisconsin up to 20 weeks postfertilization (approximately 22 weeks LMP), governed by a web of regulatory statutes rather than a total ban.

Kaul v. Urmanski, 2025 WI 32

☒ Fetal personhood & the internal contradiction

Wisconsin's statutory scheme is internally contradictory on fetal personhood. The same code that defines an 'unborn child' as 'a human being from the time of conception' (§ 20.927(1g)) and 'any individual of the human species from fertilization' (§ 939.75(1)) also permits and extensively regulates abortion — and expressly exempts the pregnant woman from all criminal and civil liability for any abortion-related conduct (§ 940.13).

Wis. Stat. § 939.75(1) · Wis. Stat. § 939.75(2)(b) · Wis. Stat. § 20.927(1g)

MINORS

A minor (under 18, not emancipated) must obtain the consent of one parent, guardian, adult family member (25+), or foster parent, or obtain a judicial waiver, before an abortion can be performed.

SPOUSAL / PATERNAL RIGHTS

Wisconsin has no statute requiring a husband's consent to or notice of his wife's abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician — 20-week ban violation	Performing or inducing abortion at 20+ weeks postfertilization without medical emergency	Class I felony: up to 3 years 6 months imprisonment and/or fine up to \$10,000; civil liability for damages including emotional distress and punitive damages
Physician — post-viability abortion	Intentionally performing abortion after viability without life/health necessity	Class I felony: up to 3 years 6 months imprisonment and/or fine up to \$10,000
Non-physician performing abortion	Performing an abortion while not licensed as a physician	Class I felony: up to 3 years 6 months imprisonment and/or fine up to \$10,000
Physician — medication abortion violation	Providing abortion-inducing drug without physical exam or in-person presence	Class I felony: up to 3 years 6 months imprisonment and/or fine up to \$10,000; civil liability
Physician — partial-birth abortion	Intentionally performing a partial-birth abortion	Class A felony: imprisonment up to life; enforceability uncertain post-Dobbs

☒ Recent changes

- Mar 2026 Assembly Bill 355 (Right to Bodily Autonomy Act), which would have established a statutory right to abortion and repealed numerous restrictions including the 24-hour waiting period, telehealth ban, physician-only requirement, and 20-week limit, fails to pass pursuant to Senate Joint Resolution 1.

- Nov 2025

Wisconsin Senate passes SB 553 along party lines, which would exclude certain life-saving medical procedures (ectopic pregnancy treatment, removal of dead embryos) from the statutory definition of 'abortion.' The bill has not yet passed the Assembly.
- Jul 2025

Wisconsin Supreme Court decides Kaul v. Urmanski, 2025 WI 32, holding 4-3 that § 940.04(1) was impliedly repealed as to abortion and does not prohibit abortion in Wisconsin.
- Jul 2024

Wisconsin Supreme Court grants Planned Parenthood's petition for leave to commence an original action and also accepts the appeal in Kaul v. Urmanski.
- Feb 2024

Planned Parenthood of Wisconsin files a petition for original action in the Wisconsin Supreme Court (2024AP330-OA), arguing that § 940.04, if interpreted as an abortion ban, violates the Wisconsin Constitution (Article I, § 1: inherent rights to life and liberty).
- Dec 2022

Dane County Circuit Court rules that § 940.04(1) does not ban abortion because the statute has been interpreted as applying only to feticide, not consensual abortions.
- Jun 2022

Wisconsin Attorney General Josh Kaul files suit in Dane County Circuit Court seeking declaratory judgment that § 940.04 does not ban abortion, arguing it applies only to feticide or has been impliedly repealed.

⌵ Pending changes to watch

No active major litigation

Litigation · The two major post-Dobbs cases (Kaul v. Urmanski and Planned Parenthood v. Urmanski) are resolved.

None identified. The Wisconsin Supreme Court's Kaul decision resolved the central post-Dobbs question. Future litigation seeking a state constitutional right to abortion could be filed but would require a new complaint.

SB 553 (definition of abortion)

Legislation · Passed Senate November 2025; pending in Assembly as of the 2025-2026 session.

If enacted, would exclude certain life-saving medical procedures (ectopic pregnancy treatment, removal of dead embryos/fetuses) from the statutory definition of 'abortion,' clarifying that they are not subject to abortion restrictions.

No active ballot measure

Ballot measure · Wisconsin does not have a citizen-initiated ballot measure process.

None in the immediate term. A constitutional amendment would require legislative referral, which is unlikely under divided government.

⌵ Key authorities

Kaul v. Urmanski

Kaul v. Urmanski, 2025 WI 32

The controlling Wisconsin Supreme Court decision holding that the 1849 abortion ban (§ 940.04) was impliedly repealed by subsequent legislation and does not prohibit abortion in Wisconsin.

20-week postfertilization ban

Wis. Stat. § 253.107

The primary operative gestational limit: prohibits abortion at 20 or more weeks postfertilization, with a medical emergency exception.

Viability ban

Wis. Stat. § 940.15

Criminalizes post-viability abortion (Class I felony) with life-or-health exception; also establishes the physician-only requirement.

Mother exemption

Wis. Stat. § 940.13

The comprehensive statutory exemption shielding the pregnant woman from all criminal and civil liability for any abortion-related conduct.

Informed consent and waiting period

Wis. Stat. § 253.10

Imposes the 24-hour waiting period, state-scripted counseling, mandatory ultrasound display, and physician-only counseling.

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