Timeline of Abortion Laws in Virginia

1973
All women have access to abortion, and Medicaid covers abortion.
Roe v. Wade

1976
- Only physicians can provide an abortion. Va. Code Ann. § 18.2-72
- All second- and third-trimester abortions must be performed in a hospital. Va. Code Ann. § 18.2-73
- Third-trimester abortions must be performed in a hospital, following certification by three physicians that the pregnancy would likely result in substantial health impairment. Va. Code Ann. § 18.2-74
- Any hospital or physician may refuse to provide abortion care. Va. Code Ann. § 18.2-75

1982
- The Hyde Amendment was adopted as part of the federal budget. It has been incorporated into every federal budget and now limits Medicaid coverage to abortions needed to save the woman's life, or in cases of rape or incest.
- Medicaid cannot cover abortion care, except in cases of rape or incest that have been reported to the police, unless necessary to save the life of the woman, or if the fetus has a gross and totally incapacitating physical deformity or mental deficiency. Va. Code Ann. § § 32.1-92.1, 32.1-92.2

1996
- State employees can't use their state health insurance for abortion coverage. Va. Dept of Human Resources Mgmt., Mem. No. 96-9

1997
- Women younger than age 18 must notify a parent or legal guardian before having an abortion. Va. Code Ann. § 16.1-241

1999
- Medicaid cannot cover care related to abortions, such as referrals to an abortion provider. Va. Code Ann. § 332.1-325

2001
- The doctor must give a woman government-written materials about abortion, including realistic photos of what a fetus looks like at two-week intervals, and wait 24 hours before having an abortion. Va. Code Ann. § 18.2-76

2003
- Women younger than 18 must get written, notarized consent from a parent or guardian before having an abortion or go through the court system. Va. Code Ann. § 16.1-241

2010
- Medicaid can't cover abortion even when the woman's health is at risk. 12 Va. Admin. Code § 30-50-105(E); 12 Va. Admin. Code § 30-50-140(F); 12 Va. Admin. Code § 30-50-100(D)

2012
- Health centers that provide abortions must meet building standards designed for new hospitals or close down. Va. Code Ann. § 54.1-2957.20
- A woman must be given an ultrasound at least 24 hours before an abortion and be asked to see it. Va. Code Ann. § 38.2-3451

2013
- No private insurance plan sold through the online insurance marketplace can include abortion coverage. Va. Code Ann. § 38.2-3451

2014
- Genetic counselors may refuse service to patients based on the counselors' "deeply held moral or religious beliefs," such as when the patient may want to seek an abortion and the counselor doesn't personally agree. Va. Code Ann. § 54.1-2957.20

Proposed Abortion Legislation in Virginia

2012
- "Personhood" would begin at the moment of conception, so that fertilized eggs, embryos, and fetuses would be granted all of the rights and privileges of people. HB 1
- Transvaginal ultrasounds would be required prior to an abortion. HB 462/SB 484

2013
- Abortion would be banned after 20 weeks. HB 1285/SB 637

2014
- It would be illegal for Medicaid to cover abortion even when the fetus has a gross and totally incapacitating physical or mental anomaly. Budget Item 4-5.04 #3h
- It would be illegal for doctors to provide abortions if the reason is because of the sex of the fetus. HB 98

2015
- The legislature would recognize that life begins at conception. HR 214
- Abortion would be banned after 20 weeks unless necessary to prevent a woman's death or serious risk of substantial and irreversible physical impairment of a major bodily function. HB 2321

2016
- It would be illegal to "give, offer to give, or accept" transfer of fetal remains for any reason other than burial, cremation, or investigation of a death; this includes fetal tissue donation and research. HB 970
- The legislature would recognize that life begins at conception. HRJ 29 / HR 19
- The Department of Health would be prohibited from entering into contracts or providing grants to organizations that provide abortion. HB 1090
- Abortion providers would be required to dispose of fetal remains by burial or cremation. HB 970
- A woman seeking an abortion would be required to sign a written consent form 24 hours before her abortion. HB 1326

Current as of June 2016

NATIONAL INSTITUTE FOR REPRODUCTIVE HEALTH

This timeline shows the laws that significantly burden abortion that have been enacted in this state at some point over the past four decades. Note that some may have been challenged in court and struck down or partially enjoined and others may have been superseded over time.