

State Law Overview: West Virginia

Mandatory Waiting Period

West Virginia has a mandatory waiting period of 24 hours before an abortion can be obtained.¹

Mandatory Ultrasound

West Virginia does not have a law requiring an ultrasound before an abortion; however, if an abortion is performed, the law requires the provider to offer the patient the opportunity to view the ultrasound.²

Biased Counseling/Informed Consent

West Virginia law requires that someone seeking an abortion receive counseling 24 hours prior to obtaining an abortion.³

Post-Viability Abortion Restriction

West Virginia law restricts abortions after 20 weeks post fertilization (22 weeks LMP). There are exceptions for when the pregnancy endangers the life or physical health of the mother, or when the fetus has been diagnosed with **fatal** abnormalities.⁴

Targeted Regulation of Abortion Providers (TRAP)

West Virginia does not have any requirements that fit under the category of TRAP laws.⁵

Restrictions on Minor's Obtaining Abortion Care

West Virginia law requires that anyone under the age of 18 who is seeking an abortion must notify a parent or guardian 24 hours before obtaining the abortion. West Virginia also has a process for teens who wish to seek a judicial bypass to avoid obtaining consent.⁶

Restriction of Private and Public Insurance Coverage of Abortion

West Virginia has no restrictions on private or public insurance coverage of abortion. Medicaid reimburses for elective abortions.⁷

¹ Guttmacher State Policies in Brief, Counseling and Waiting Periods for Abortion, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_MWPA.pdf

² Guttmacher State Policies in Brief, Requirements for Ultrasounds, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_RFU.pdf

³ Guttmacher State Policies in Brief, Counseling and Waiting Periods for Abortion, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_MWPA.pdf

⁴ Guttmacher State Policies in Brief, State Policies on Later Abortion, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_PLTA.pdf

⁵ Guttmacher State Policies in Brief, Targeted Regulation for Abortion Providers, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_TRAP.pdf

⁶ Guttmacher State Policies in Brief, Parental Involvement in Minors' Abortions, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_PIMA.pdf

⁷ Guttmacher State Policies in Brief, Restricting Insurance Coverage of Abortion, Jan. 1, 2016, *available at* http://www.guttmacher.org/statecenter/spibs/spib_RICA.pdf

Counseling Ban/Gag Rule

West Virginia does not have a law restricting state funded individuals or organizations from discussing or counseling for abortion.⁸

Crisis Pregnancy Centers

West Virginia law does not regulate crisis pregnancy centers and state funded material refer women to them.⁹

Refusal to Provide Medical Services

West Virginia does not have laws in place that allow providers to refuse to provide abortions.¹⁰

⁸ NARAL, *Who Decides: the Status of Women's Reproductive Rights in the United States*, 2016, available at <http://www.prochoiceamerica.org/assets/download-files/2016-wd-report.pdf>

⁹ NARAL, *Who Decides: the Status of Women's Reproductive Rights in the United States*, 2016, available at <http://www.prochoiceamerica.org/assets/download-files/2016-wd-report.pdf>

¹⁰ Guttmacher State Policies in Brief, Refusing to Provide Health Services, Jan. 1, 2016, available at http://www.guttmacher.org/statecenter/spibs/spib_RPHS.pdf