



**NEVADA**

**NEVADA AT A GLANCE**

EXISTENCE AND STATUS OF ABORTION BAN	STATE CONSTITUTIONAL PROTECTION OF ABORTION RIGHTS	STATUTORY PROTECTION OF ABORTION RIGHTS	OTHER FACTORS
No ban	None established	Reproductive privacy act on the books	Unlikely to enact new ban



**Existence and Status of Abortion Ban:** No abortion ban.<sup>109</sup> The legislature repealed its pre-*Roe* ban.

**State Constitutional Protection of Abortion Rights:** None established.

**Statutory Protection of Abortion Rights:** Nevada has codified *Roe*, through passage of a ballot initiative in November 1990. The language on the ballot initiative (and now in the statutes) provides that abortion is legal in Nevada if performed by a doctor within 24 weeks of the commencement of the pregnancy (assuming other criteria are met).<sup>110</sup> Therefore, absent a referendum vote,<sup>111</sup> the state will continue to guarantee abortion rights even if *Roe* is overruled.

Of course, if *Roe* is overruled, there is some likelihood that the anti-choice movement will seek such a referendum vote. If such a referendum passes, then the current statute will be “void and of no effect.”<sup>112</sup> The anti-choice movement would then likely seek to restrict or ban abortion.

**Other Factors:** None.

<sup>109</sup> Nevada has several other statutes still on the books that are not enforced, such as a ban on abortion advertising. NEV. REV. STAT. ANN. 202.200.

<sup>110</sup> NEV. REV. STAT. ANN. 442.250 (“No abortion may be performed in this state unless the abortion is performed: (a) by a physician licensed to practice in this state or by a physician in the employ of the government of the United States who: (1) Exercises his best clinical judgment in the light of all attendant circumstances including the accepted professional standards of medical practice in determining whether to perform an abortion; and (2) Performs the abortion in a manner consistent with accepted medical practices and procedures in the community. (b) Within 24 weeks after the commencement of the pregnancy. (c) After the 24<sup>th</sup> week of pregnancy only if the physician has reasonable cause to believe that an abortion currently is necessary to preserve the life or health of the pregnant woman.”).

<sup>111</sup> NEV. CONST. art. 19, § 1(3).

<sup>112</sup> *Id.*

**Conclusion:** There is no abortion ban on the books, and the right to abortion will be protected by statute unless the statutory protection is repealed via a referendum vote and a new abortion ban is enacted. The legislature itself is unlikely to enact a new ban.

**Legislative Session in Nevada: Feb. 7 – June 6, 2005**

*Source:* National Conference of State Legislators (NCSL) website  
<http://www.ncsl.org/programs/legman/about/sess2005.htm>