



Know Your Rights: Abortion

Abortion is legal in Delaware. In 2017, the Delaware legislature passed a law protecting people’s right to access an abortion until viability, which is determined by a medical professional.ⁱ

Abortions may be performed at or after viability if the patient’s health or life is at risk or if there is a lethal fetal anomaly. The Supreme Court of the United States’ 2022 decision in *Dobbs v. Jackson Women’s Health Organization* did not change Delaware law protecting abortion rights.

Who may perform abortions in Delaware?

Physicians and advanced practice clinicians (APC) such as nurse practitioners, certified nurse midwives, and physician assistants may provide medication and procedural abortion care.ⁱⁱ

How much does an abortion cost in Delaware?

Generally, abortions performed in a clinic or office cost, on average, between \$500-\$800, but the cost may vary by provider and gestation. Abortions that need to be performed in a surgery center or in a hospital operating room may cost more.

Do Delaware Medicaid or my private insurance cover abortion care?

As of January 1, 2025, Delaware private insurance plans and Delaware Medicaid are required to cover abortion costs up to a maximum of \$750 per year. You may not be charged a deductible or co-pay in connection with the cost of an abortion unless you have a certain type of high deductible or catastrophic coverage private insurance plan.ⁱⁱⁱ If you do have a private insurance plan, you should check whether the plan covers costs of abortion care above \$750 per year.

Certain “Religious Employers” (“churches, convention, association of churches, elementary or secondary school that is controlled, operated, or principally supported by a church or convention or association of churches”) are exempt from the requirement to provide insurance coverage for the costs of an abortion if they request such an exemption.^{iv}

What if I go to college in Delaware and need an abortion or emergency contraception?

Check with your college or university to learn its current policies regarding the provision of abortion care.

As of July 1, 2025, Delaware’s public universities will be required to provide students with access to medication for the termination of a pregnancy, such as mifepristone, and access to emergency contraception.^v

Is assistance available to pay costs of abortion care that is not covered by insurance?

Yes. Planned Parenthood of Delaware will not turn patients away if they are unable to pay.

The First State Abortion Fund (FSAF) was created to provide financial assistance for patients having abortions in Delaware. FSAF will also provide practical support for those seeking abortions, such as lodging, transportation, and childcare.

Do you have to be a resident of Delaware to receive abortion care in Delaware?

No. Residents of other states may obtain an abortion in Delaware.

I live in a state that has banned abortion. Can I be criminalized or sued for getting an abortion in Delaware?

People residing in other states should consult their local laws to determine if there are criminal or civil penalties imposed on those who obtain abortions.

Delaware has taken actions to provide some protections to patients, providers, and those who aid people in obtaining an abortion **in Delaware**. Delaware recently passed a state law that says it will:

- Not cooperate with investigations initiated by other states seeking to criminalize patients, providers, and supporters.
- Not honor subpoenas for medical records of patients who have obtained an abortion.
- Not extradite people who have a warrant for their arrest for obtaining or providing an abortion.
- Allow individuals to file a civil lawsuit in Delaware state court to recoup any damages and legal fees they incur because of another state’s or individual’s attempt to penalize them criminally or civilly for actions related to providing reproductive health services, including providing abortion care, that are legal to provide under Delaware law.^{vi}

Can I get an abortion if I am under 18?

Yes. Delaware law requires that a person younger than 16 must notify their parent or guardian 24 hours in advance of their abortion. Parents do not need to consent to the abortion. Minors can seek a judicial bypass in limited circumstances, such as an abusive parent, where they notify a judge rather than the parent or guardian.

16 and 17-year-old patients are not required to notify their parent or guardian about their abortion.^{vii}

Additional Abortion Resources

The AG's Abortion Legal Helpline has collected the following materials, which address common questions but should not be relied upon as legal advice from the Department of Justice or the Helpline. While the DOJ endeavors to keep these materials up to date, please review the dates on these materials to ensure they are current.

Find an abortion provider or get a prescription for medication abortion

- [Abortionfinder.org](https://abortionfinder.org) provides information on abortion providers along with information about abortion and different types of procedures.
- ineedana.com provides information on abortion providers.
- [Plancpills.org](https://plancpills.org) provides information on how to access at-home abortion pill options online.
- [ReproLegalHelpline.org](https://reprolegalhelpline.org) provides legal advice, information, and referrals for people under 18 in any state who cannot involve a parent and need to get a judge's order to get an abortion. In New York, for example, minors do not need to involve a parent or get a judge's order to get an abortion.

Find financial support

- firststateabortionfund.org or (302) 491-9429.

Learn about online privacy and digital security

- Digital Defense Fund's [Guide to Keeping Your Abortion Private & Secure](#).
- Electronic Frontier Foundation's [Digital Safety Tips: For People Seeking an Abortion](#).
- Electronic Frontier Foundation's [Digital Safety Tips: For Providers of Abortion Support](#).
- Electronic Frontier Foundation's [Surveillance Self-Defense: Tips, Tools and How-Tos for Safer Online Communications](#).

Learn about abortion access in Delaware

Abortion is legal in Delaware and abortion rights have been codified under Delaware law since 2017. Recently, Delaware's General Assembly passed additional legislation expanding abortion access for Delawareans and visitors to our state.

- **[Senate Bill 5 \(2017\)](#)**: Codifies the Supreme Court's ruling in *Roe v. Wade* (1973), permitting state-level termination of pregnancy prior to viability, to protect the life or health of the mother, or in the event of serious fetal anomaly.
- **[House Bill 31 \(2021\)](#)**: Repeals certain provisions in Title 11 relating to abortion including provisions which treat abortion differently than other medical procedures, and

provisions which criminalize women and the sale of medical devices and medicine.

- [House Bill 320 \(2022\)](#): Expands authority to prescribe abortion medication to nurse practitioners, physicians' assistants, and advance practice registered nurses.
- [House Bill 455 \(2022\)](#): Provides protection for providers of abortions and out of state residents seeking or receiving pregnancy termination in Delaware by limiting extradition; protecting private medical records; shielding patients from civil actions in another state; providing a cause of action to recover damages if sued in another state; protecting professional licensees; prohibiting insurers from increasing premiums or taking adverse actions against providers performing abortion; and expanding providers able to perform abortion to physicians' assistants, certified nurse practitioners, and approved midwives.
- [Senate Substitute 1 for Senate Bill 301 \(2024\)](#): Requires Delaware's public universities to provide students with access to both emergency contraception and medications for the termination of pregnancy.
- [House Substitute 2 for House Bill 110 \(2024\)](#): Requires Delaware Medicaid and private insurance plans in Delaware to cover the costs of abortion care up to \$750 per-year, and prohibits Delaware Medicaid and private insurance plans, other than certain high deductible and catastrophic plans, from charging co-pays or deductibles in connection with coverage for abortion care. The law exempts defined religious employers from the requirement to cover the cost of abortion care.
- [House Bill 205 \(2025\)](#): Expands on the protections of House Bill 455 (2022) to provide safeguard to health care providers who offer any healthcare services that are legal in Delaware.

Find information on state-level abortion restrictions

Please note the state of the law is changing very quickly. Please review the date updated to make sure information is current.

- Planned Parenthood's [Abortion Access Tracker](#)
- Center for Reproductive Rights' [After Roe Fell: Abortion Laws by State](#)
- [NY Times tracker](#)

Find assistance and information regarding legal action relating to pregnancy outcomes (including abortion)

Abortion is legal in Delaware. However, we recognize that patients, providers, and supporters may face legal consequences in other states for pregnancy outcomes, including abortion, miscarriages, and stillbirths.

- [ReproLegalHelpline](#) provides confidential legal advice, legal information, and referrals to lawyers for people considering self-managed abortion (which means ending one's own

pregnancy without a medical provider, including with abortion pills) or facing legal consequences for self-managing an abortion in any state.

- ReproLegalHelpline also offers [frequently asked questions](#) about abortion bans, self-managed abortion and other legal rights and risks related to abortion.
- [Repro Legal Defense Fund](#) covers bail and funds litigation costs for people who are investigated, arrested, or prosecuted for self-managed abortion in any state.

Resources for companies seeking to provide reproductive health benefits

- Pro Repro's [guide for employers](#)

ⁱ 24 Del. C. §§ 1702, 1790.

ⁱⁱ 24 Del. C. § 1790.

ⁱⁱⁱ 18 Del. C. § 3571AA.

^{iv} 18 Del. C. §§ 102; 3571AA(c).

^v 14 Del. C. §§ 9001F et seq.

^{vi} 10 Del. C. §§ 3928, 3929.

^{vii} 24 Del. C §§ 1782, 1783.