



ABORTION POLICY NEWSLETTER

Issue 3 | August 2021

HISTORIC U.S. ABORTION CASES

Roe v. Wade

Decided: January 22, 1973

Key points: The Supreme Court ruled 7-2 that the Due Process Clause of the 14th Amendment that provides a right to privacy protects a woman's right to choose to have an abortion without excessive government restriction. However, governments could apply restrictions in different trimesters of pregnancy.

First trimester: governments cannot ban abortions.

- Second trimester: governments can require reasonable health regulations. Third
- trimester: governments can prohibit abortions as long as there are exceptions to save
- the life and health of the mother.

Planned Parenthood v. Casey

Decided: June 29, 1992

Key points: Modified Roe v. Wade, reaffirming the Constitutional protection of a woman's right to choose, but replaced the trimester framework with one based on fetal viability. The decision allowed states to implement abortion restrictions that apply during the first trimester of pregnancy.

In This Issue:

Historic Abortion Bills / Restrictive Abortion Laws / State Pro-Choice Policies



RESTRICTIVE ABORTION LAWS

Georgia

H.B. 481: Living Infants Fairness Equity (LIFE) Act

Status: Will be heard in court in September.

Key aim: To ban most abortions once fetal cardiac activity can be detected (around 6 weeks), extend legal rights to fertilized eggs, and allow parents to claim an embryo on their taxes as a dependent.

Why this bill is harmful:

- A ban will force women to resort to dangerous abortions, causing unnecessary deaths.
- Half of the counties in Georgia already do not have a single practicing OBGYN or a hospital where women can give birth and access gynecological services. Doctors interested in practicing in the state may be less likely to come to Georgia out of fear in criminalization.
- Exceptions to the bill require that any woman who is the victim of rape or incest file a police report to access an abortion, which can compound the trauma for survivors.

Texas

S.B. No. 8: Texas Heartbeat Act

Status: Signed into law May 19, 2021 and takes effect in September.

Key aim: To ban physicians from performing an abortion if the fetus has a heartbeat (as early as 6 weeks), with the only exceptions for medical emergencies. Instead of government enforcement, private citizens can sue providers who perform abortions after a fetal heartbeat has been detected.

Why this bill is harmful:

- Because private citizens can enforce the law, it is nearly impossible to challenge it by suing the government over enforcement, which is typically done by pro-choice activists when similar laws are passed.
- The bill exhibits a lack of understanding of gestational periods - bans abortions 2 weeks past a missed menstrual period, then requires mandatory counseling to discourage abortion followed by a 24-hour waiting period before the procedure. Women may not know they are pregnant, and many women experience irregular periods, so may not have any periods within 4 weeks.
- This bill also specifically targets individuals and providers, who cannot withstand the cost of a lawsuit. The ban will drive abortions underground, which is dangerous.

RESTRICTIVE ABORTION LAWS

Missouri H.B. No. 126

Status: Passed and signed in 2019 but has been held up from taking effect as it has gone through the federal court system. The Supreme Court will rule on it in the fall.

Key aim: To ban abortions after 8 weeks of pregnancy.

Why this bill is harmful:

- There is currently only one abortion provider in the state (a Planned Parenthood in St. Louis).
 - The ban would prohibit more than two-thirds of the patients of the St. Louis Planned Parenthood from getting abortions.
- The bill involves politicians interfering with patient-provider relationships.

Pennsylvania H.B. 904: Heartbeat Bill

Status: Laid on the table on May 25, 2021.

Key aim: To prohibit any abortions after a fetal heartbeat is detected.

H.B. 118: Unborn Child Dignity Act

Status: Passed by PA House of Representatives on June 9, 2021; however, Gov. Tim Wolf has said he plans to veto any anti-choice legislation.

Key aim: To require that parents are provided the option of burial or cremation after the death of an unborn child rather than being considered "medical hazardous waste."

Why these bills are harmful:

- H.B.904 restricts abortions before many even know they are pregnant. PA law already imposes coverage bans, forced parental involvement and consent, counseling, a waiting period, and other obstacles to obtaining an abortion.
- H.B.118 can cause trauma to parents who have suffered a miscarriage or had an abortion and creates a privacy-violating public record of pregnancy outcomes.

RESTRICTIVE ABORTION LAWS

United States Senate

S.92 No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act of 2021

Status: Introduced on January 28, 2021 and referred to Committee on Finance.

Key aims: To prohibit the use of federal funds for abortions or for health coverage that includes abortions, specifying that qualified health plans cannot provide coverage for abortions and prevents abortions from being provided in a federal health care facility or by a federal employee. These restrictions do not apply in cases of rape, incest, or danger to the woman's life abortion could endanger the woman's life.

Global Gag Rule/ Mexico City Policy

Status: First passed in 1984 during the Reagan administration; rescinded by President Biden on January 28, 2021

Key aim: To require NGOs to certify that they would not perform or promote abortion as a method of family planning using funds from any source as a condition of receiving US government global family planning funding. Under President Trump, restrictions were tightened even further to extend to US government funds for maternal and child health, malaria, nutrition, and other aspects of global health.

Impact

The new proposed laws by numerous U.S. states as well as the U.S. Senate are not based in science and will only serve to increase disparities among Black women and other women who may struggle to access healthcare.

If Roe v. Wade were overturned...

Abortion would be banned in the following states: Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah.

POLICIES SUPPORTING REPRODUCTIVE FREEDOM

California

Status: Approved by the state Senate on June 7, 2021 and is now being debated by the Assembly.

Key aim: To eliminate out-of-pocket expenses (copays, deductibles) for abortion and abortion-related counseling. The state already requires health insurance plans to cover abortion.

New York

Reproductive Health Act

Status: Enacted on January 22, 2019.

Key aims: Allows abortions after 24 weeks of pregnancy if the fetus is not viable or the abortion is necessary to protect the patient's life or health. Removed abortion from the state's penal code and codified Roe v. Wade into state law.

Massachusetts ROE Act

Status: Vetoed by Gov. Baker on December 24, 2020, but overridden by MA state legislation on December 29, 2020.

Key aim: Expanded abortion access to 16-year-olds without requiring parental or judge's consent. Allows abortions after 24 weeks of pregnancy in cases with a fatal fetal anomaly and in preserving the mother's physical or mental health.

**Virginia
H.B. 2491**

Status: Passed on April 10, 2020.

Key aims: Rolled back multiple abortion restrictions and codified new abortion protections. Removed regulations requiring pregnant people to receive an ultrasound at least 24 hours before an abortion and to get counseling on alternatives, removed the requirement that facilities providing 5+ abortions a year be designated as hospitals, and allows nurse practitioners, in addition to physicians, to offer first-trimester abortions.



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