

**STATE
PLAY
BOOK**

FOR GENDER EQUITY

PROTECT AND ENSURE ACCESS TO ABORTION

The Problem

Every woman, no matter where she lives, should have access to abortion when she needs it. Abortion is an essential part of comprehensive reproductive health care, and 1 in 4 women will experience abortion in her lifetime. Yet, our constitutionally protected right to abortion is under constant attack. Since 2011, states have enacted over 400 abortion restrictions, including bans on abortion, medically unnecessary and burdensome regulations on abortion providers meant to shut them down, measures intended to judge and shame women, prohibitions on insurance coverage of abortion, and laws allowing health care providers' religious beliefs to override patient access to abortion.¹ At the same time, the current federal Administration has taken a number of steps to restrict access to abortion, including nominating and confirming Supreme Court justices with demonstrated hostility to abortion who could shift the balance of the Court against women's constitutional right to abortion. Abortion restrictions create unnecessary and harmful barriers that can delay and otherwise make access to care burdensome. Some women may be unable to overcome these barriers and will be forced to carry an unwanted pregnancy to term. Women of color, young people, and LGBTQ communities are disproportionately affected by restrictions on access to abortion.

The Solution

States should be working towards a future where all families thrive, which means ensuring that all people are able to make decisions about pregnancy and parenting, however much money they make, however they get their health coverage, or wherever they live. States must act now to protect and expand abortion access by repealing existing state abortion restrictions and enacting policies that protect access to abortion.

For help
crafting
legislation,
talking points,
fact sheets, and for
state-specific policy
research and data,
please contact
us at
playbook@nwlc.org.

Basic Elements of the Solution

- Repeal any existing abortion restrictions, including:
 - o Laws that ban or criminalize abortion, including those that pre-date *Roe v. Wade*;
 - o Medically unnecessary and burdensome restrictions on abortion providers such as admitting privileges requirements;
 - o Measures meant to shame and judge women who have decided to have an abortion, such as mandatory delays and biased counseling requirements;
 - o Restrictions or bans on insurance coverage of abortion in private or public insurance;
 - o Refusal of care laws that allow health care providers to use religious beliefs to override a patient's access to abortion.
- Enshrine abortion protections in state law, including measures that:
 - o Protect the right to abortion;
 - o Forbid government interference in the right to decide whether to have an abortion;
 - o Ensure public and private insurance coverage of abortion as part of comprehensive health insurance plans;
 - o Prohibit discrimination against those who want to provide abortion or those who have an abortion.

Talking Points on the Solution

- Voters overwhelmingly support access to abortion.
 - o Seventy-one percent of voters believe that *Roe v. Wade* should not be overturned.²
 - o According to a 2016 poll, voters believe that once a woman had decided to have an abortion the experience should be: safe (93 percent), legal (76 percent), affordable (72 percent), and available in her community (72 percent).³
- Abortion is an essential part of comprehensive reproductive health care that nearly one in four women will experience in her lifetime.
- Unless women can make the decision about whether and when to have children, they are not able to participate equally and fully in society.
- Abortion restrictions harm women by delaying access and creating barriers to abortion.
- A woman's zip code should not determine her access to abortion.
- We must advance measures that reduce the difficulties that women currently face in accessing reproductive health services, including abortion, and repeal those that create barriers.
- In 2018, Washington state took action to expand access to abortion. In 2017, five states—Delaware, Illinois, Idaho, New York, and Oregon took actions to expand access to abortion.⁴

1 Elizabeth Nash et al., *Policy Trends in the States*, 2017, GUTTMACHER INST. (Jan. 2, 2018), <https://www.guttmacher.org/article/2018/01/policy-trends-states-2017>.

2 Carrie Dann, NBC/WSJ Poll: *Support for Roe v. Wade hits new high*, NBC NEWS (July 23, 2018), <https://www.nbcnews.com/politics/first-read/nbc-wsj-poll-support-roe-v-wade-hits-new-high-n893806>.

3 *Abortion is a Common Experience for U.S. Women, Despite Dramatic Declines in Rates*, GUTTMACHER INST. (Oct. 19, 2017), <https://www.guttmacher.org/news-release/2017/abortion-common-experience-us-women-despite-dramatic-declines-rates>.

4 Nash, *supra* note 1.