



FOR GENDER JUSTICE

POLICY BRIEF

PROTECT AND ENSURE ACCESS TO ABORTION



THE PROBLEM

Abortion is an essential part of full-spectrum reproductive health care. Meaningful access to abortion is also fundamental to pregnant people's equality, freedom, and autonomy. One in four women will need an abortion in her lifetime. What's more, for more than four decades, the Supreme Court has recognized the constitutional right to decide to have an abortion.

Yet, our constitutionally protected right to abortion is under constant attack. [Since 2011](#), states have enacted over 450 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 those seeking abortion, prohibitions on insurance coverage of abortion, and laws allowing health care providers' religious beliefs to override patient access to abortion. At the same time, over the last four years, the federal government took a number of steps to restrict access to abortion, including adding Supreme Court justices hostile to abortion who are poised to eviscerate the constitutional right to abortion. And, the COVID-19 pandemic has heightened people's need for abortion care while simultaneously exacerbating inequities in and barriers to abortion access. Moreover, anti-abortion politicians have [attempted to exploit the pandemic](#) to close abortion clinics and prevent pregnant people from making decisions about their bodies and futures.

Already, the right to abortion is meaningless for many people, due to the overwhelming number of existing anti-abortion laws and Supreme Court decisions that have chipped away at it. This is [especially true](#) for [people of color, those struggling financially, LGBTQ people, young people, and those in rural communities](#). States must act to protect and expand meaningful access to abortion to ensure that everyone is able to make decisions about their health, their families, their lives, and their futures.

THE SOLUTION

States should be working toward a future where all people are able to make decisions about pregnancy and parenting, however much money they make, however they get their health coverage, and wherever they live, free from discrimination and coercion. States must act now to protect and expand abortion access by enacting policies that protect people's rights to make reproductive health care decisions and that expand access to comprehensive reproductive health care, enacting legislation to protect health care professionals who provide abortion care, and repealing existing state abortion restrictions.

BASIC ELEMENTS OF THE SOLUTION

- Repeal any existing state abortion restrictions, including:
 - Laws that ban or criminalize abortion, including those that pre-date *Roe v. Wade*;
 - Medically unnecessary and burdensome restrictions on abortion providers such as admitting privileges requirements;

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- o Measures meant to shame and judge people 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; and
- o Refusal of care laws that allow health care providers to use personal beliefs to override a patient's access to abortion care.
- Clarify that abortion is designated as essential care, to protect access during public health crises such as the COVID-19 pandemic.
- Enshrine abortion protections in state law, including measures that:
 - o Protect people's right to make a range of reproductive health care decisions, including abortion, without government interference;
 - o Ensure public and private insurance coverage of abortion as part of comprehensive health insurance coverage;
 - o Protect and expand access to telemedicine;
 - o Prohibit discrimination against people based on their reproductive health decisions; and
 - o Prohibit discrimination against health care professionals who want to provide abortion care and information regarding full-spectrum reproductive health care.
- o According to a 2019 poll, the majority of [Americans](#) say they are more concerned that states are making it too difficult to get an abortion than too easy.
- o Voters in Colorado [rejected a constitutional amendment](#) that would have banned abortion after an arbitrary point in pregnancy.
- Unless individuals 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 people seeking abortion care by delaying access and creating unnecessary barriers.
- A person's zip code, income, or source of health insurance should not determine their access to abortion.
- Religious exemption laws allow hospitals, doctors, and nurses to determine a patient's care based on their religious beliefs, not based on what is best for the patient. Refusals especially harm women, people of color, LGBTQ people, and others who already face barriers to care.
 - o Hospitals have refused to treat people who are experiencing a life-threatening miscarriage because of hospital policies against abortion.
 - o Hospitals that are governed by policies written by the U.S. Conference of Catholic Bishops, which prohibit providers from treating patients with certain reproductive health care services including abortion, [disproportionately harm women of color](#) as these hospitals disproportionately serve communities of color.
- When policymakers take action to protect access to abortion, they are part of a growing trend nationwide. In 2020 alone, for example:
 - o Virginia enacted the [Reproductive Health Protection Act](#), repealing medically unnecessary restrictions on abortion care, including Virginia's mandatory ultrasound law, 24-hour mandatory delay period, and burdensome regulations on abortion providers that were designed to force clinics to close.
 - o The District of Columbia enacted the [Strengthening Reproductive Health Protection Act](#), which protects people's right to make reproductive health decisions without government interference and prohibits discrimination against health care professionals who provide abortion.
 - o The Massachusetts House approved a [budget amendment](#) that would protect people's right to abortion.
 - o New Jersey Governor Phil Murphy and members of the legislature announced the introduction of the [Reproductive Freedom Act](#), a bill that would protect and expand access to reproductive health care, including birth control, abortion, and other pregnancy related care.

TALKING POINTS ON THE SOLUTION

- Abortion is an essential part of comprehensive reproductive health care that [nearly one in four women](#) will experience in her lifetime.
- In light of a hostile Supreme Court poised to eviscerate the right to abortion, policymakers must act to ensure our state is a safe place to seek abortion care.
- The COVID-19 pandemic has created an unprecedented public health and economic crisis— now is the time to ensure access to care, not take it away.
- The COVID-19 pandemic has exposed and heightened barriers and inequities in access to abortion. Policymakers should seize this opportunity to dismantle barriers and ensure meaningful and equal access to abortion care for all who need it.
- Voters overwhelmingly support access to abortion.
 - o Polling done [on the eve of the 2020 election](#) demonstrated that a majority of voters support policymakers protecting and expanding access to reproductive health care, including abortion.
 - o Seventy-seven percent of [voters](#) believe that Roe v. Wade should not be overturned, and support for Roe v. Wade has increased [among voters](#) since 1992.
 - o According to 2020 Gallup polling, [79% of U.S. adults](#) think abortion should be legal in some or all circumstances.