



# US Abortion Policy

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UAPP 225



# Summary of the Policy by State

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- Roe vs. Wade (1973) allows women's right to choose until 3rd trimester
- Hyde Amendment (1977) bans federal funding for abortions
- Gestation limits:
  - 43: prohibit following a certain point
- Provider requirements:
  - 36: licensed physician
  - 19: performed in a hospital following a certain point
  - 17: second physician following a certain point
- Parental involvement
  - Required by 37 states
  - 10 require both parents
- Funding
  - 16: cover Medicaid enrollees for medically necessary services
  - 12: restrict private coverage
  - Must purchase abortion insurance

# History of the Policy

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- **Roe vs. Wade 1973 court decision: criminalizing abortion was unconstitutional as it violated women's privacy**
  - Jane Roe vs Dallas, TX District Attorney Henry Wade
  - Up to 2nd trimester, about 26 weeks
- **Planned Parenthood vs. Casey (1992)**
  - Overturned the semester framework of Roe
  - Restrictions cannot place an "undue burden" before viability
- **Whole Woman's Health vs. Hellerstedt (2016)**
  - Struck down TX restrictions for providers
  - Undue burden test requires: "*Casey* requires courts to consider the burdens a law imposes on abortion access together with the benefits those laws confer."
- **June Medical Services LLC vs. Russo (2020)**
  - Struck down hospital admission requirements in LA
- **Texas S.B. 8: banned after 6 weeks, enforced by private citizens**
  - Supreme Court ruled not to intervene

# Strengths of the Policy

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- Woman's right to choose is federally protected (as of now)
- Variation from state to state (ex. CA)
- Can travel to another state
- Roe v. Wade allows abortions past 15 weeks, more than most other countries
  - But US is an outlier in becoming more restrictive

# Weaknesses of the Policy

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- Variation state to state
  - Costly interstate travel
  - Discrimination exists due to TRAP laws: targeted restrictions on abortion providers designed to close them down rather than to make them safer for women (ex/ restrictive room dimensions)
  - Requirements for biased counseling, wait periods
- Reliance on services like National Network of Abortion Funds
  - Financial aid
  - Transportation
  - Room and board
  - Translation services

# Future of the Policy

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- Dobbs vs. Jackson Women's Health Organization Case ruling expected June '22
  - 2018: MI "Gestational Age Act" - prohibits after 15 weeks
  - JWHO is only provider in MI after 15 weeks, doctor filed a lawsuit in federal district court
  - District court of appeals ruled that <15 weeks is under viability
- **Released court documents show that the court is expected to overturn Roe and Casey in upcoming weeks with the Dobbs decision**
- If the court upholds MI ban, 24 states expected to "ban or severely limit abortion at all stages of pregnancy"
  - 12 states with trigger laws to implement bans
- Still lots of work to be done to protect reproductive rights for women