

# Addressing the Issue of Abortion Restrictions

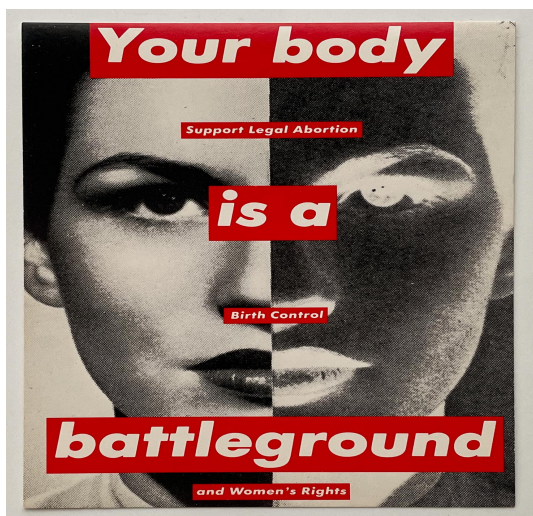
## Executive Summary:

The overturning of *Roe v. Wade* has led to an increase in abortion restrictions. This has in turn caused women to be denied prenatal care in the event of a miscarriage and has taken away their option to terminate their pregnancy due to circumstances outside of their control. This policy brief outlines how creating a federal law for the right to seek abortion care is critical because millions of individuals with a uterus, not only have their rights infringed upon but are also given the ultimatum to choose between their wellbeing and their unborn fetus. By federally legalizing the right to receive abortion care in every state, patients seeking to terminate their pregnancy will be provided with abortion access without limitations that may cause an impediment to their health.

## The Personal Experience of Amanda Eid:

Amanda Eid and her husband, Josh Zurawski, were thrilled to find out they were expecting a child after a year and a half of fertility treatment. Unfortunately, after 18 weeks of pregnancy, Amanda went into early labor. Although she was told that there was no way to save the baby, the doctors stated that under Texas law they could not legally give Amanda an abortion because the fetus still had a heartbeat. Therefore, instead of giving Amanda an abortion, she was sent home. She was told that she was at risk for infection and it could from hours to days for the fetus to legally be terminated. Three days later when Amanda's temperature was at 103, the doctors decided it was legally safe to terminate the pregnancy; however, by then it was almost too late. Amanda was at risk for sepsis which occurs when the body responds dangerously to an infection. She was able to receive antibiotics to fight off the infection, but the lack of urgent medical care caused her to have scarring from the infection and it is unknown if she can have children.

## Introduction:



In June of 2022, the Supreme Court overturned *Roe v. Wade* in the case of *Dobbs v. Jackson Women's Organization* which took away the constitutional right for a woman to have an abortion. The increase in abortion restrictions to abortion access in the United States is an infringement on human rights and bodily autonomy. As of June 2023, 15 states have banned abortion, leaving approximately 36 million women and young girls without proper medical services to receive an abortion. This ban has taken control of women's bodies and has given them less of a choice. At least 61 women's health clinics have closed across America, causing many women to

have to travel to jurisdictions that offer safe, legal abortions. By overturning the constitutional protection for the right to seek an abortion, the U.S. is not only violating the rights of women and young girls but also international laws stated in the Universal Declaration of Human Rights. According to the United Nations Human Rights Committee, abortion is a human right, and causing an increase in maternal death rates is a violation of the right to life, and the right to life does not start until birth.

## **Background: Why was Roe v Wade overturned?**

The debate on abortion began in Mississippi when Jackson Women's Health Organization, an abortion clinic, challenged the constitutionality of the Gestational Act of 2018. The Gestational Act of 2018 was legislation passed in Mississippi that did not allow abortion past the 15th week except for medical emergencies. A medical health officer by the name of Thomas Dobbs petitioned against Jackson Women's Health Organization for certiorari which was granted. Dobbs argued that the Constitution did not protect abortion rights. After six months of debate, the Supreme Court decided to return power to individual states to regulate abortion (NCBI).

## **How does outlawing abortion affect women in the United States?**

As a result of banning abortions, researchers have found that a total abortion ban would increase the maternal death rate by 24 percent. Abortion bans forces women to carry out their pregnancies although their health situation may suggest they do otherwise. The rates of newborn babies dying postpartum, at birth, or during pregnancy are much higher in states with abortion bans or restrictions according to researchers. The CDC reports that the rates of pregnancy-related deaths are steadily rising over time and this study was taken before the overturning of Roe v. Wade. Whitney Rice, the director of the Center for Reproductive Health Research at Emory University, states that people may seek unsafe ways to terminate a pregnancy which could have harmful consequences, and that many women will be forced to continue their pregnancy which could risk infant outcome including preterm birth, low birth weight, and maternal death.

## **The Problem: Abortion Bans & Restrictions Will Have Negative Affects on Women's Health**

The problem is that millions of women will not have access to proper access to receive legal abortion care without having to cross state lines. Even with this possibility of receiving a legal abortion elsewhere, some women may not be able to because of financial or logistical reasons (Harvard, 2021). Due to not having access to legal and safe abortions, women will seek other means to receive one. According to the National Library of Medicine, over 68,000 women die each year because they had an unsafe abortion making it one of the main causes of maternal mortality.

## Results of the Abortion Ban & Restriction

As of June 2023, 26 states have banned abortions or are planning to ban abortions leaving millions of women in jeopardy of seeking an unsafe abortion. According to the National Partnership for Women & Families analysis, of these 36 million women, 2.9 million women are disabled, 12.5 million women are financially insecure, 15.8 million women are under the age of 18, and 400,000 are veterans. People with a uterus in 26 states have less of an option when it comes to what occurs to their bodies. Therefore, due to *Dobbs v. Jackson* taking away the option to terminate a pregnancy, many women will seek illegal abortions. Illegal abortions are given without sterilized equipment and there is no access to antibiotics so infection can be avoided. One of the main causes of maternal mortality due to an illegal abortion is sepsis. This problem can be addressed by having state policymakers further investigate the dangerous outcomes of having abortion restrictions or bans and then repeal existing restrictions once deemed harmful. Parental involvement laws, for example, require that an individual under the age of 18 must have a legal guardian or parent present if they desire to have an abortion. This ultimately limits access to abortions for our youth living in abusive or unstable environments. While legalizing

## Policy Options

### 1) *Federal Level:*

While the court ruling of *Roe v. Wade* established abortion as a right, *Roe* threatens the possibility for women to get a legal abortion because the legal right to abortion is not codified into law. In the *Roe v. Wade* hearing in 1973, the right to legal abortion was implied by the Fourteenth Amendment in the U.S. Constitution which states that no state shall “deprive any person of life, liberty, or property, without due process of law.” Since the Fourteenth Amendment, is dependent on interpretation and there are no laws regarding legal abortion access it has allowed restrictions before a fetus is considered viable. This has further enabled anti-abortion legislators to enact restrictions on abortions for reasons such as when an individual is given a limitation of a certain number of weeks in which they can no longer terminate their pregnancy. Therefore, Congress must implement a law that clarifies that there is a fundamental right for individuals to seek an abortion and the government should have little to no interference in a pregnant person's decision especially when the fetus is pre-viable. As of March 2023, U.S. Senators Tammy Baldwin and Richard Blumenthal reintroduced the Women’s Health Protection Act of 2023 to 47 members of the Senate Democratic caucus. Congress needs 218 votes to enact this legislation. Making this act federal will give the states what they need to implement laws at the state level; however, federal laws do not grant as much protection as state laws do. State laws act in accordance with federal laws that do not give additional rights.

Since each state is considered to have sovereign authority, the state level gives unrestricted and unambiguous rights to their respective citizens.

## 2) *State Level:*

State legislators should not wait for a federal law to pass to guarantee the right to an abortion to their residents, they should act as soon as possible. 21 states and the District of Columbia have so far enacted laws to ensure the protection of abortion rights.

However, 26 states and 3 territories are still at risk of banning or severely restricting abortions. If the Women's Health Protection Act were passed by Congress then it would prevent states from imposing restrictions on abortion access, ensure that the mother could get an abortion post-viability if the pregnancy puts their life in jeopardy, and protects the ability to seek abortion care outside state lines. Passing legislation at the state level is the better option legislation at state level is more likely to be passed than at federal level.

Citizens are more able to get involved with state legislation by becoming citizen legislators where they have more insight about what their community needs that state legislators overlook.

## **Recommendations**

My recommendation would be to revise state policy to make abortions accessible for everyone to prevent maternal mortality. I would suggest that policymakers carefully examine these policy options before deciding if they should pass new legislation or keep the current policies in place. Lawmakers are politically polarized between the conservatives and the liberals which makes it difficult to find common ground; however, when it comes to reproductive autonomy politics should be sidelined and it becomes a question of ethics whether or not abortion should be accessible past viability. They should take into account how carrying out the pregnancy would affect the mother and the child. There are multiple causes for why women seek out abortions such as wrong timing, mental health issues, and their inability to provide for a baby. According to Medical News Today, 36 percent of study participants stated that they had an abortion due to the wrong timing and that they felt they were emotionally unprepared to have a child. In the same study, 40 percent of study participants stated that they had an abortion because they believed that they could not afford a child (Nichols). Lawmakers and researchers should collaborate to figure out the best solution for the mother and the child, regardless of political standing and religious beliefs.

## Citations

- Cohen, Elizabeth, and John Bonifield. "Texas Woman Almost Dies Because She Couldn't Get an Abortion." *CNN*, Cable News Network, 20 June 2023, [www.cnn.com/2022/11/16/health/abortion-texas-sepsis/index.html](http://www.cnn.com/2022/11/16/health/abortion-texas-sepsis/index.html).
- Kaufman, Risa, et al. "Global Impacts of *Dobbs v. Jackson Women's Health Organization* and Abortion Regression in the United States." *Sexual and Reproductive Health Matters*, U.S. National Library of Medicine, Dec. 2022, [www.ncbi.nlm.nih.gov/pmc/articles/PMC9673802/#:~:text=In%20overruling%20Roe%20and%20eliminating,restrict%20or%20ban%20abortion%20outright](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC9673802/#:~:text=In%20overruling%20Roe%20and%20eliminating,restrict%20or%20ban%20abortion%20outright).
- Krishnakumar, Priya, and Daniel Wolfe. "How Outlawing Abortion Could Worsen America's Maternal Mortality Crisis." *CNN*, Cable News Network, 24 June 2022, [www.cnn.com/2022/05/10/us/maternal-mortality-roe-wade-abortion-access/index.html](http://www.cnn.com/2022/05/10/us/maternal-mortality-roe-wade-abortion-access/index.html).
- Nicohls, Hannah. *The Reasons for Abortion: Statistics, Safety, and Access*, [www.medicalnewstoday.com/articles/reasons-for-abortions#reasons-for-abortion](http://www.medicalnewstoday.com/articles/reasons-for-abortions#reasons-for-abortion). Accessed 16. Nov. 2023.
- Sobel, Laurie, et al. "A Review of Exceptions in State Abortion Bans: Implications for the Provision of Abortion Services." *KFF*, 18 May 2023, [www.kff.org/womens-health-policy/issue-brief/a-review-of-exceptions-in-state-abortion-bans-implications-for-the-provision-of-abortion-services/](http://www.kff.org/womens-health-policy/issue-brief/a-review-of-exceptions-in-state-abortion-bans-implications-for-the-provision-of-abortion-services/).
- "Baldwin, Blumenthal Lead 47 Members in Introducing Legislation to Restore and Protect Americans' Right to an Abortion Nationwide: U.S. Senator Tammy Baldwin of Wisconsin." *U.S. Senator Tammy Baldwin*, 8 Mar. 2023, [www.baldwin.senate.gov/news/press-releases/baldwin-blumenthal-lead-47-members-in-introducing-legislation-to-restore-and-protect-americans-right-to-an-abortion-nationwide](http://www.baldwin.senate.gov/news/press-releases/baldwin-blumenthal-lead-47-members-in-introducing-legislation-to-restore-and-protect-americans-right-to-an-abortion-nationwide).

“State Abortion Bans Harm More than 15 Million Women of Color.” *National Partnership for Women & Families*, 25 Sept. 2023,  
[nationalpartnership.org/report/state-abortion-bans-harm-woc/](https://nationalpartnership.org/report/state-abortion-bans-harm-woc/).