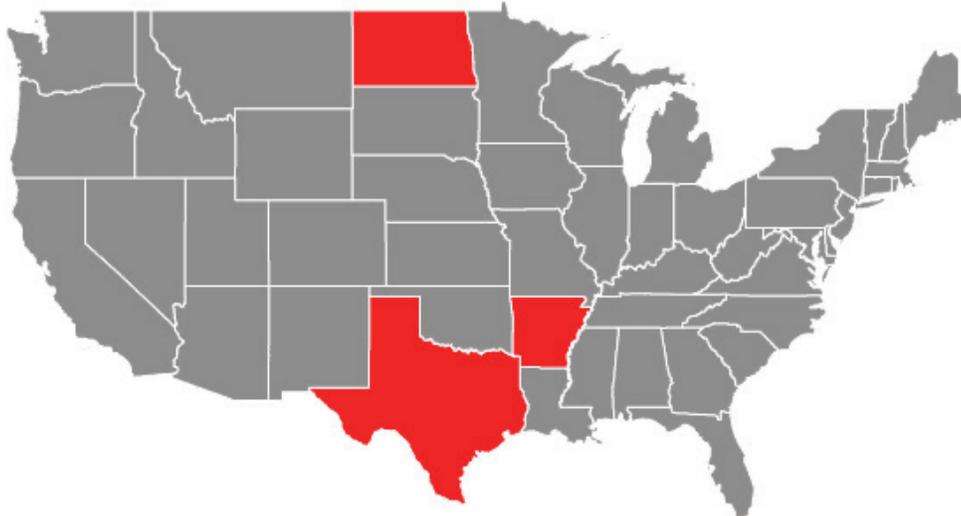


# THE STATE OF THE STATES: BANS ON ABORTION CARE IN 2013



**ARKANSAS:** HB 1037 bans abortion after 20 weeks post-fertilization. The measure includes two exceptions for life endangerment and a narrow exception for a woman's health. The ban is currently in effect. SB 134 bans abortion at 12 weeks of pregnancy with exceptions for pregnancies resulting from rape and incest, or when the life or health of a woman is endangered. The Center, the ACLU, and the ACLU of Arkansas challenged SB 134 in federal court. In May 2013, the law was preliminarily **enjoined**, and therefore is not currently in effect.

**NORTH DAKOTA:** HB 1456 would ban abortion as early as six weeks of pregnancy, at the first sign of cardiac activity. This is often before many women even learn they are pregnant. The measure includes exceptions for life endangerment and a narrow exception for a woman's health. The Center challenged the law in federal court on behalf of the sole abortion provider in North Dakota. In July 2013, the law was preliminarily **enjoined**, and therefore is not currently in effect. SB 2368 bans abortion after 20 weeks post-fertilization. The measure includes exceptions if the life or health of a woman is endangered under narrow circumstances. The ban is currently in effect and is not being challenged at this time.

**TEXAS:** HB 2 is an omnibus bill that, among other provisions, bans abortion after 20 weeks post-fertilization. The measure includes exceptions for life endangerment and a narrow exception for woman's health and in cases of fetal anomaly. However, there are no exceptions for pregnancies resulting from rape or incest. The ban is currently in effect and is not being challenged at this time. However, other sections of HB 2 are the subject of a federal lawsuit brought by the Center for Reproductive Rights, Planned Parenthood Federation of America, the ACLU, and George Brothers Kincaid & Horton.

## HOW STATES BANNED ABORTION IN 2013

Anti-abortion politicians and advocates have mounted a campaign to pass unconstitutional bans on abortion prior to viability based on gestational age. In 2013, extremist legislators introduced bans on abortion as early as six weeks in pregnancy. In fact, two states banned abortion in the first trimester: Arkansas banned abortion at 12 weeks from a woman's last menstrual period (LMP), and North Dakota banned abortion around six weeks LMP, upon detection of the first sign of cardiac activity. Each of these laws is blatantly unconstitutional and has been challenged by the Center for Reproductive Rights and our allies in federal court. Both bans have been preliminarily enjoined by a federal court.

Not content with banning abortion early in pregnancy, Arkansas and North Dakota also passed bans on abortion at 20 weeks post-fertilization. In addition, after an epic debate, Texas passed an omnibus measure which included a ban on abortion at 20 weeks post-fertilization. Overall, 11 states and one municipality considered bans on abortion at 20 weeks. Moreover, three other states proposed, but rejected, bans on abortion as early as six weeks LMP.

Since 2010, 12 bans on abortion at either 20 weeks post-fertilization age or at 20 weeks LMP (which is 18 weeks post-fertilization) have become law in Alabama, Arkansas, Arizona, Georgia, Indiana, Idaho, Kansas, Louisiana, Nebraska, North Dakota, Oklahoma, and Texas. In the three states where a 20-week ban has been challenged—Arizona, Georgia, and Idaho—the court has enjoined each law, either preliminarily or permanently. And, the United States Supreme Court recently refused to review the Arizona law which would have banned all abortions at 20 weeks—allowing a ruling from an appellate court striking the measure as unconstitutional to stand.

## THE IMPACT OF ABORTION BANS

For the last four decades, the U.S. Supreme Court has consistently recognized a woman's right under the U.S. Constitution to make her own reproductive health care decisions. State attempts to take away that right by banning abortion prior to viability are a clear violation of a woman's constitutional rights.

We don't need to guess about the brutal consequences of such restrictive and extreme bans on abortion. We know that women desperate to end a pregnancy will find ways to do so — whether it is safe and legal or not.

Banning abortion at 20 weeks is not only unconstitutional and cruel, it profoundly interferes in the doctor-patient relationship. These bans fail to take into account women's highly individual medical needs and circumstances. States that ban abortion at six, 12, or 20 weeks consign women in their states to a second class of citizens, returning them to the dark days before Roe. An abortion ban at six weeks is akin to an outright ban on all abortions, since many women may not even discover they are pregnant before that time.

Because of some states' restrictions, a woman's ability to make personal decisions about her reproductive health care currently depends on her zip code. Every pregnant woman faces her own unique circumstances, challenges, and potential complications, and must be able to make her own decisions based on her doctor's advice, her personal values, and what's right for her and her family.

## DRAW THE LINE

In 2012, the Center launched the Draw the Line campaign with the express purpose of putting the rampant attacks on women's reproductive health care—like those described above—on the entire nation's radar. Nearly 300,000 people have signed the Bill of Reproductive Rights at [www.DrawtheLine.org](http://www.DrawtheLine.org), sending politicians a loud and clear message that reproductive rights are fundamental human rights, and must be protected from extremist politicians. Visit [www.DrawtheLine.org](http://www.DrawtheLine.org) to add your voice.

**You can also urge your members of Congress to support the Women's Health Protection Act, which would create stronger federal protections for the essential health care, personal decision making, and individual constitutional rights of every woman in the United States, no matter where she lives. Take action now to support this historic bill.**

## CENTER FOR REPRODUCTIVE RIGHTS

Since 1992, the Center for Reproductive Rights has used the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to protect, respect, and fulfill. Reproductive freedom lies at the heart of the promise of human dignity, self-determination and equality embodied in both the U.S. Constitution and the Universal Declaration of Human Rights. The Center works toward the time when that promise is enshrined in law in the United States and throughout the world. We envision a world where every woman is free to decide whether and when to have children; where every woman has access to the best reproductive health care available; and where every woman can exercise her choices without coercion or discrimination. More simply put, we envision a world where every woman participates with full dignity as an equal member of society.

For more information on state laws, please contact **Amanda Allen, State Legislative Counsel**, at [aallen@reprorights.org](mailto:aallen@reprorights.org). For press inquiries, please contact **Jennifer Miller, U.S. Press Officer**, at [jmiller@reprorights.org](mailto:jmiller@reprorights.org).

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