

# Abortion Bans After 12 Weeks

**Q:** *Have politicians succeeded in making abortion illegal in some cases?*

**A:** **YES.** In 2003, Congress passed the Federal Abortion Ban, which outlaws certain safe, medically appropriate abortion services often necessary to protect a woman's health as early as the 12th week of pregnancy. It has no exception when a woman's health is in danger. In April 2007, the Supreme Court declared the ban constitutional, thereby upholding this ban on a safe abortion method nationwide. The court's holding is contrary to its decision in 2000 that declared state bans on so-called "partial-birth" abortion unconstitutional. The court's decision also gives the green light to states to enact further bans and other restrictions on abortion that disregard women's health. All of these bans put politicians' beliefs above a doctor's medical judgment and deny some women the health care their doctors believe is safest for them.



## CURRENT STATE LAWS

**20** states have unconstitutional and unenforceable bans that could outlaw abortion as early as the 12th week of pregnancy, with no exception to protect a woman's health: AL, AK, FL, ID, IL, IN, IA, KY, MI, MS, NE, NJ, ND, OK, RI, SC, SD, TN, WV, WI.

**6** states ban a safe abortion procedure with no health exception: AZ, AR, LA, MO, UT, VA.

**1** state bans a safe abortion procedure with only a narrow health exception: OH.

**1** state bans abortion after 20 weeks with only a narrow health exception: NE.



## CURRENT FEDERAL LAWS

In November 2003, Congress passed and President Bush signed into law the Federal Abortion Ban, which bans a safe abortion procedure with no exception to protect a woman's health. The ban applies nationwide, even in states that have chosen not to enact these types of bans or that have constitutional or statutory protection for the right to choose that exceeds the protection provided by the federal Constitution. In April 2007, the U.S. Supreme Court upheld the Federal Abortion Ban.



## 2010 ENACTED STATE LEGISLATION

**1** state enacted **1** measure that bans abortion after 20 weeks and does not provide an adequate exception to protect women's health or for cases in which the pregnancy was the result of rape or incest: NE.



## 2010 NOTABLE DEVELOPMENTS

In April 2010, Nebraska enacted a pre-viability abortion ban that prohibits abortion care after 20 weeks. While this ban rests rhetorically on the claim of fetal pain, its sponsors readily admit it is intended as a challenge to *Roe v. Wade*. For more than three decades, the Supreme Court has held that a woman has the right to choose abortion care until the point of fetal viability, and under the *Roe* standard states may regulate, but not ban, abortion before this point. With this new ban that ignores the standard of viability, anti-choice legislators in Nebraska are pressing the court to abandon this long-established constitutional framework of abortion rights.

*This information is current as of October 31, 2010. For updated information, including detailed summaries of all referenced laws and legislation, please visit [www.WhoDecides.org](http://www.WhoDecides.org).*