

18TH EDITION

JANUARY 2009

Who Decides?

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[www.ProChoiceAmerica.org](http://www.ProChoiceAmerica.org)



# Who Decides?®

The Status of Women's Reproductive  
Rights in the United States

NARAL PRO-CHOICE AMERICA FOUNDATION

“ I thought about what would happen to me if I had the baby. My dad would have beaten me and kicked me out.”  
–ANONYMOUS TEEN

“ Unfortunately, my friend, also 14 years old, didn't feel that she could tell her parents that she thought she was pregnant. She was afraid of disappointing them. Instead, in September, she committed suicide...I don't want to see what happened to [my friend] happen to anyone else.”

“ I was 30 years old, and engaged to be married, when I found out I was pregnant. **We were being responsible adults practicing birth control,** but I was one of the small percentages of women who still get pregnant even though taking an active role in preventing it.”  
–ELIZABETH, MN

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“ **To be pro-choice is truly to be pro-family**”

–ANONYMOUS, had an abortion due to ill health

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“ This is **between me and God**—just as my religion is between me and God.”

“ **No institution,** authority, state, government official, religious person, bureau, department, public or private party **has a right to make the choice for me**”  
–ANONYMOUS, terminated pregnancy after husband was diagnosed with cancer

“ In our fifth month of pregnancy, the **happy promise of new life was shattered by several ominous sonograms and diagnostic tests.** We went for second, third, and fourth opinions...We were desperate to hear even a glimmer of hope from doctors, but it was not to be. Finally, after many days of deliberation, we decided to abort the pregnancy.”  
–ANONYMOUS COUPLE

# TABLE OF CONTENTS

## PREFACE

|                           |    |
|---------------------------|----|
| Letter from the President | i  |
| Visit the Web             | ii |

## INTRODUCTION

|   |     |
|---|-----|
| Key Findings: Pro-Choice Legislation and Policy | 2-3 |
| Key Findings: Threats to Choice                 | 4-5 |
| Key Findings: Political Findings                | 6-7 |

## FAST FACTS

### FAST FACTS ABOUT ANTI-CHOICE LAWS

|   |    |
|---|----|
| Near-Total Abortion Bans                              | 10 |
| Abortion Bans After 12 Weeks                          | 11 |
| Biased Counseling and Mandatory Delays                | 12 |
| Counseling Bans and Gag Rules                         | 13 |
| Insurance Prohibition for Abortion                    | 14 |
| Refusal to Provide Medical Services                   | 15 |
| Restrictions on Low-Income Women's Access to Abortion | 16 |
| Restrictions on Young Women's Access to Abortion      | 17 |
| Spousal Consent and Notice                            | 18 |
| Targeted Regulation of Abortion Providers (TRAP)      | 19 |

### FAST FACTS ABOUT PRO-CHOICE LAWS

|  |    |
|--|----|
| Contraceptive Equity                         | 22 |
| Emergency Contraception (EC)                 | 23 |
| Freedom of Choice Acts                       | 24 |
| Guaranteed Access to Prescriptions (GAP)     | 25 |
| Low-Income Women's Access to Family Planning | 26 |
| Protection from Clinic Violence              | 27 |
| State Constitutional Protection              | 28 |

## FEDERAL PROFILE 30

## STATE PROFILES 32-82

## CONCLUSION

|   |       |
|---|-------|
| Methodology                               | 84-86 |
| Acknowledgments and Disclaimer            | 87    |
| NARAL Pro-Choice America State Affiliates | 88-89 |
| Mission Statements and Diversity Policy   | 90    |
| Notes                                     | 91-92 |



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## From the *President*

We witnessed history in 2008: the election of Barack Obama as our country's next pro-choice president represented a resounding victory for the fundamental American values of freedom and privacy.

As I campaigned on behalf of President-elect Obama and other pro-choice candidates, I witnessed the energy and enthusiasm that compelled ordinary Americans to go to extraordinary lengths to change the direction of our country.

In states such as New Hampshire and Wisconsin, I met daughters who recruited their mothers into the campaign. I saw college students worried about the rising cost of birth control at their campus health centers working alongside baby boomers who feared that the Supreme Court could move further in a direction that threatens *Roe v. Wade*. I met parents concerned about the rising rate of sexually transmitted diseases among our teens. Although of different ages and backgrounds, these Americans channeled their anxiety into action and spoke of a common responsibility to do whatever they could to elect leaders who shared their values.

Without a doubt, choice was an issue in this historic election. The public endorsed President-elect Obama's call for a change in the tone of the debate over reproductive rights and an end to the divisive attacks on a woman's right to choose. The pro-choice victory in the presidential race was replicated at all levels of government. We built upon the successes of the 2006 midterm elections, as pro-choice forces—although still outnumbered by anti-choice lawmakers—strengthened their ranks in Congress. Many state legislatures will convene with more pro-choice members. Voters in California, Colorado, and South Dakota rejected anti-choice ballot measures.

With these successes comes profound responsibility. The pro-choice movement finds itself on the cusp of a tremendous opportunity: not only to make significant headway into reversing some of George W. Bush's worst policies, but also to start advancing pro-choice initiatives on a national level and in the states.

The 18th edition of *Who Decides? The Status of Women's Reproductive Rights in the United States* lays out the challenges and the opportunities that lie ahead. If we learn any lesson from this election, it is that we cannot wait for others to make our dreams a reality. We cannot for one moment underestimate how our success will spur opponents of a woman's right to choose to invent new ways to undermine the very freedoms we fight so hard to protect.

As we move forward, let us build on our progress and pay heed to the inspiring words that President-elect Obama spoke during his historic bid for the White House: "None of this will be easy. It won't happen overnight. But I believe we can do all this because I believe in America. At each and every moment in our history, we've risen to meet our challenges, because we've never forgotten the fundamental truth that in America, our destiny is not written for us, but by us."

Sincerely,

President

NARAL Pro-Choice America

# Visit the Web

for the following information and more!

[www.ProChoiceAmerica.org/whodecides](http://www.ProChoiceAmerica.org/whodecides)

**Who Decides?**  
The Status of Women's Reproductive Rights in the United States

**Georgia**  
**Contraceptive Equity**

**GRADE**  
**D**

**ACCESS FACT**  
92 percent of Georgia counties have no abortion provider.

Be sure to check out the online edition of *Who Decides?*, which is updated daily and contains additional information about laws and bills, and the status of women's reproductive rights nationwide.

**Who Decides?**  
The Status of Women's Reproductive Rights in the United States

**Restrictions on Young Women's Access to Abortion\***

28 states restrict young women's access to abortion by requiring parental consent. AR, AL, AZ, CA, CO, HI, KY, LA, MA, ME, MI, MO, MS, NC, ND, NM, OH, OK, PA, RI, SC, TN, TX, UT, VA, WI, WV.

3 of these laws are unconstitutional and unenforceable. AK, CA, HI.

16 states restrict young women's access to abortion by requiring parental notice. CO, DE, FL, GA, IL, IN, KS, MD, MN, MT, NE, NH, NJ, NY, OH, SD, WV.

4 of these laws are unconstitutional and unenforceable. IL, MI, NJ, NY.

| State                | STATE MANDATES   |                 |            | CONSENT/NOTICE REQUIRED FROM |          | Law is Unconstitutional and Unenforceable |
|----------------------|------------------|-----------------|------------|------------------------------|----------|---|
|                      | Parental Consent | Parental Notice | One Parent | Two Parents                  |          |   |
| Alabama              | ✓                |                 | ✓          |                              |          |   |
| Alaska               |                  |                 |            |                              |          |   |
| Arizona              | ✓                |                 | ✓          |                              |          |   |
| Arkansas             | ✓                |                 | ✓          |                              |          |   |
| California           | ✓                |                 | ✓          |                              |          | ✓   |
| Colorado             |                  | ✓               |            |                              | ✓        |   |
| Connecticut          |                  |                 |            |                              |          |   |
| Delaware             |                  | ✓               | ✓          |                              |          |   |
| District of Columbia |                  |                 |            |                              |          |   |
| Florida              | ✓                |                 | ✓          |                              |          |   |
| Georgia              | ✓                |                 | ✓          |                              |          |   |
| Hawaii               |                  |                 |            |                              |          |   |
| Iowa                 | ✓                |                 | ✓          |                              |          |   |
| Wyoming              | ✓                |                 | ✓          |                              |          |   |
| <b>Totals:</b>       | <b>20</b>        | <b>10</b>       | <b>20</b>  | <b>5</b>                     | <b>7</b> |   |

\* Some states allow additional exceptions to these restrictions not included in this chart. Please refer to detailed summaries for this information.

1 This statute requires incident consent, but a court has issued an order that the law be enforced as requiring the consent of one parent.

Exclusive online features include:

- complete summaries of laws, regulations, and other policies—including detailed descriptions, citations, and relevant case information
- summaries of pending legislation in each state, organized by issue area
- our “Did You Know?” feature, which highlights interesting facts about choice in each state
- nationwide snapshots of each issue area, via user-friendly maps and summary charts
- daily updates to our Fast Facts pages, statute summaries, maps and charts, and other features as new laws are enacted, cases are decided, and bills move through state legislatures
- opportunities to take action, via our Choice Action Network

The background is a solid green color with a stylized, lighter green graphic of the Statue of Liberty's face and crown. The face is shown in profile, looking towards the right. The crown has several pointed rays extending upwards and outwards. The word "INTRODUCTION" is centered in the middle of the image in a white, bold, sans-serif font.

# INTRODUCTION

# KEY FINDINGS: Pro-Choice Policy

NARAL Pro-Choice America supports a wide range of pro-choice policies that help protect every woman’s right to make the full range of reproductive choices, including preventing unintended pregnancy, bearing healthy children, and choosing safe, legal abortion.

In 2008, our nationwide *Prevention First* initiative continued to gain support, and helped create new laws aimed at making abortion less necessary by preventing unintended pregnancies. Pro-choice advocates challenged lawmakers to stand with us and unify behind commonsense prevention policies that would guarantee women’s access to birth control at pharmacies, require equitable insurance coverage for contraception, prevent teen pregnancy, ensure age-appropriate and medically accurate sex education in schools, expand low-income women’s access to family planning services, and increase women’s awareness of and ability to obtain emergency contraception, also known as the “morning-after” pill. In 2008, lawmakers across the country put prevention first and prioritized women’s health over politics.

In addition to being an important year for prevention efforts, 2008 saw states focus on expanding access to health care services for women who choose to become parents. Nine states enacted laws to help women have healthier pregnancies. This includes measures that expand coverage for Medicaid-funded services for low-income pregnant women and establish programs for engaging at-risk pregnant women in early and continuous prenatal care.

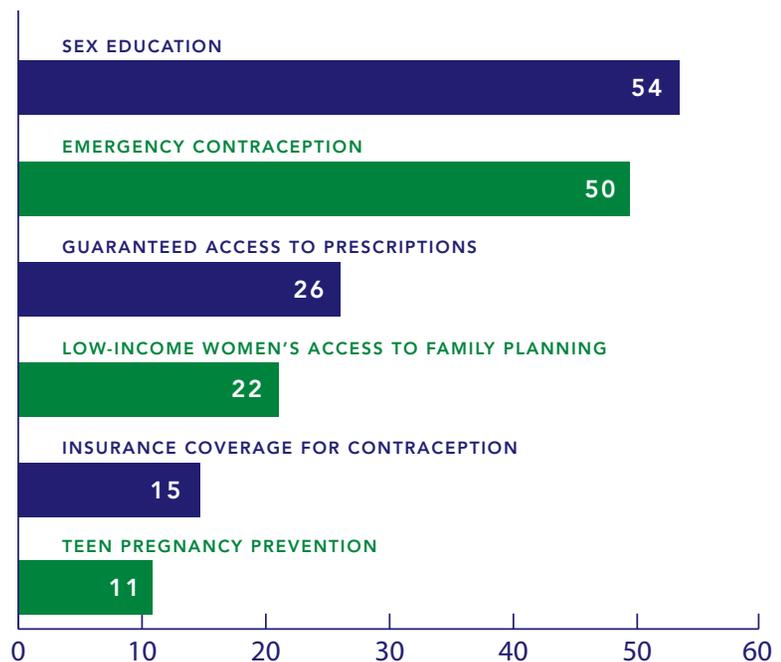
In 2009, when anti-choice advocates likely will try to enact new restrictions on abortion that could test the Court’s interpretation of the constitutional right to choose, NARAL Pro-Choice America, our affiliates, and our allies will work to defeat those divisive measures that pose such serious threats to women’s health. We will also demonstrate that we have the commonsense position on not only abortion, but on a whole range of other issues—including preventing unintended pregnancies and expanding access to reproductive health care for all women.

## PRO-CHOICE STATE LEGISLATIVE MEASURES<sup>1</sup> CONSIDERED & ENACTED IN 2008<sup>2</sup>

### Measures considered:

- States considered 459 pro-choice measures in 2008; 175 of these were *Prevention First* measures.
- The number of pro-choice measures considered in 2008 increased 6.5 percent from 2007, when states considered 431 pro-choice measures.
- Every state with a regular legislative session considered pro-choice legislation in 2008, except for Idaho, Maine, Nebraska, and Wyoming.
- New York considered the most pro-choice legislation in 2008 with 59 measures; 15 of these were *Prevention First* measures.
- The most popular non-*Prevention First* pro-choice legislation is that related to improving healthy childbearing; 22 states considered 61 healthy childbearing measures.

### Prevention First Legislation Considered by States in 2008



### Measures enacted:

- 23 states enacted 39 pro-choice measures in 2008; four of these were *Prevention First* measures.
- California enacted the most pro-choice legislation in 2008, with six measures.
- Colorado, Indiana, Minnesota, and Wisconsin enacted *Prevention First* measures in 2008.

### KEY PREVENTION FIRST AND OTHER PRO-CHOICE VICTORIES IN 2008

- Wisconsin enacted a law that ensures that sexual assault survivors receive information about and access to emergency contraception in emergency rooms.

- New Hampshire enacted a law to improve sex education in schools by making HIV/AIDS education a more integral part of the basic health education and physical health education curricula.
- Kansas, Maryland, Minnesota, New York, Oklahoma, Utah, Vermont, and West Virginia enacted laws that promote healthy childbearing.
- California enacted a law that protects women's access to reproductive-health facilities by extending the repeal date of the California "Reproductive Rights Law Enforcement Act" to 2014. The law was due to expire January 1, 2009.

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<sup>1</sup> This report uses the term "legislative measures" to refer to bills, independently operative sections of bills, and resolutions (resolutions frequently express the sentiment of the legislature but do not create new legal requirements). The term "considered" refers to bills that were introduced in a legislative session, as well as those carried over from a previous legislative session. "Laws" refers to constitutional provisions, statutes, regulations, court decisions, and opinions of state attorneys general.

<sup>2</sup> NARAL Pro-Choice America tracks many different types of pro-choice legislation that fully encompass a woman's right to choose, including measures that promote healthy childbearing and expand insurance coverage for women's reproductive health services. Our Prevention First initiative focuses on those particular areas that are key to preventing unintended pregnancies, which include measures that promote: comprehensive sex education, young women's access to confidential health care services, teen pregnancy prevention, insurance coverage for contraception, access to family planning services and supplies, guaranteed access to prescriptions, and emergency contraception (EC pharmacy access, EC in the ER, and EC public education).

# KEY FINDINGS: Threats to Choice

In 2008, anti-choice lawmakers continued their relentless attacks on a woman's right to choose in legislatures throughout the country. In addition to the 20 states that considered bills that would place bans on access to abortion, states were considering and enacting a wide variety of other anti-choice bills, including those that support discredited and dangerous "abstinence-only" programs, block women's access to birth control, and place unnecessary and burdensome requirements on abortion providers. Anti-choice legislators continued their puzzling insistence on opposing measures that can prevent unintended pregnancy and therefore reduce the need for abortion, while instead focusing on divisive measures to make abortion care more difficult to obtain for women who need and choose it.

Even with *Roe's* core protections still in place, 87 percent of counties in the United States do not have an abortion provider, according to The Guttmacher Institute. But opponents of choice are not satisfied, pushing forward with legislative measures that run the gamut from granting pharmacists the right to refuse to fill birth control prescriptions to outright bans on abortion in all circumstances, even when a woman's health is in danger.

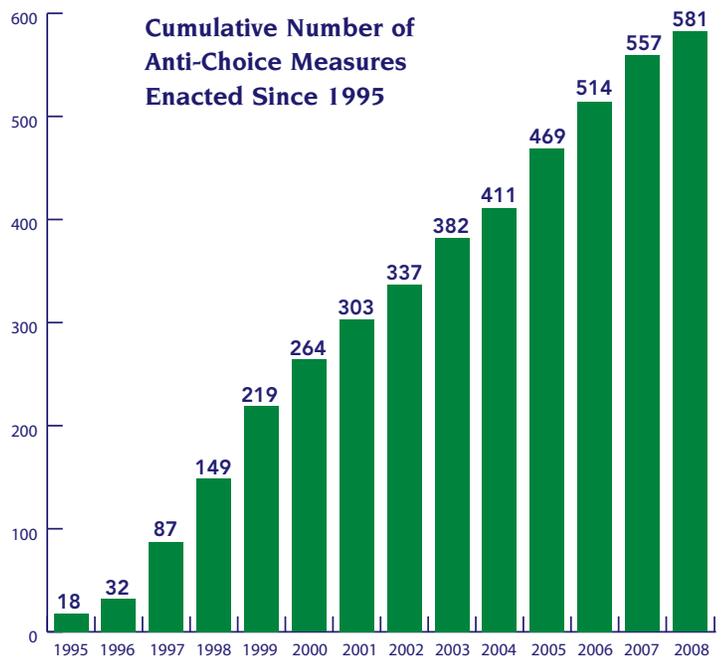
## ANTI-CHOICE STATE LEGISLATIVE MEASURES CONSIDERED & ENACTED IN 2008

### Measures considered:

- States considered 502 anti-choice measures in 2008.
- The number of anti-choice measures considered in 2008 increased 8 percent from 2007, when states considered 464 anti-choice measures.
- Every state with a regular legislative session considered anti-choice legislation in 2008, except for California, Delaware, Idaho, Maine, Wyoming, and the District of Columbia.
- For the fifth year in a row, West Virginia considered more anti-choice legislation than any other state—59 measures.

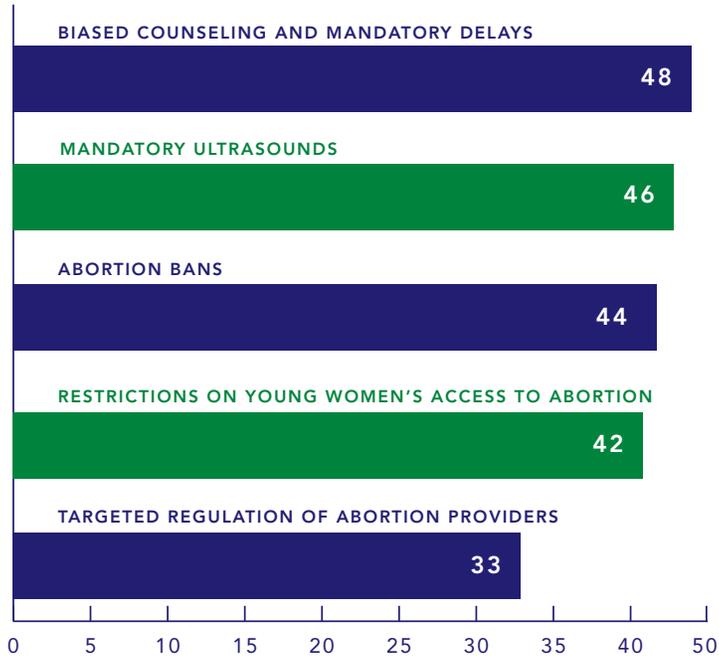
### Measures enacted:

- 16 states enacted 24 anti-choice measures in 2008.
- Oklahoma enacted the most anti-choice legislation in 2008, with six measures.
- Between 1995 and 2008, states enacted 581 anti-choice measures—including 24 in 2008 alone.



- Anti-choice state legislative measures considered and enacted while George W. Bush was in office:
  - State legislatures considered more than 4,200 anti-choice measures.
  - 317 of these measures have been enacted.

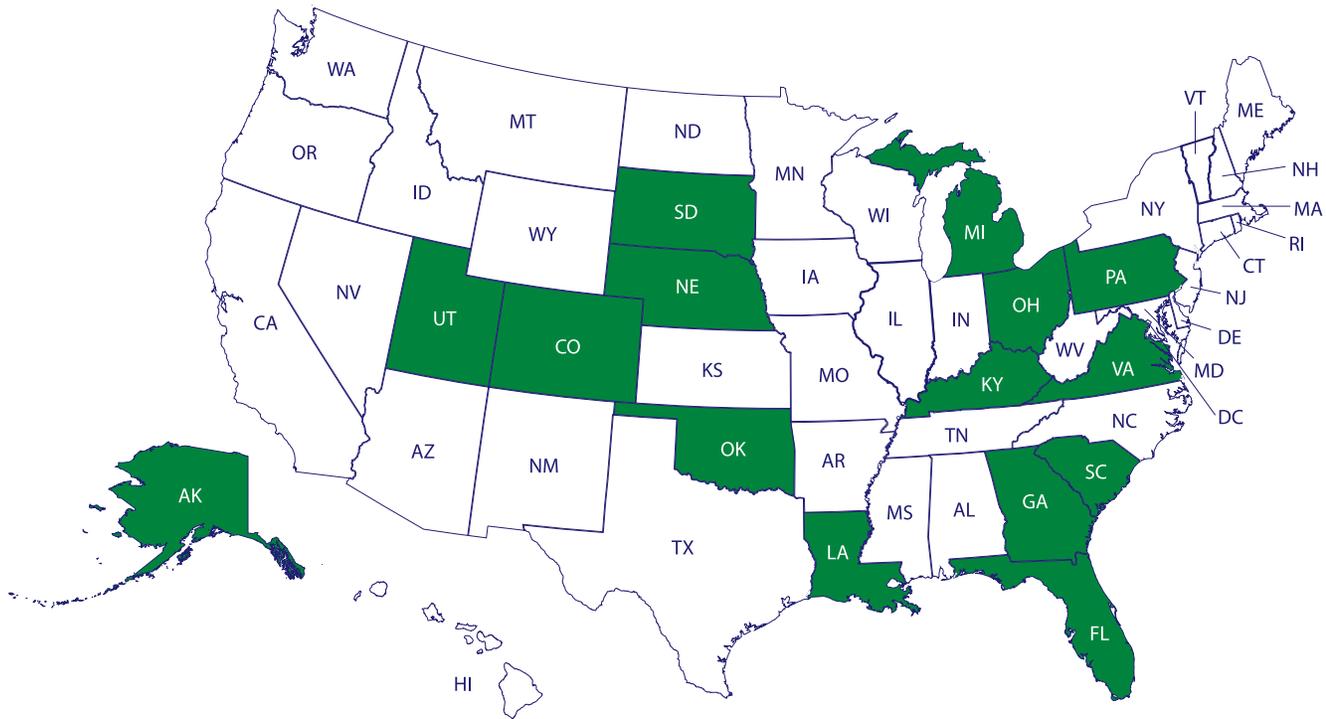
## Anti-Choice Legislation Most Commonly Considered by States in 2008



## Anti-choice legislation enacted in 2008 included:

- Michigan Gov. Jennifer Granholm and Arizona Gov. Janet Napolitano each vetoed a measure banning a safe second-trimester abortion method that is similar to the federal ban the Supreme Court upheld in 2007.
- Oklahoma enacted an omnibus anti-choice law that, among other things, expands Oklahoma law allowing certain individuals and entities to refuse to perform abortion services, requires that a woman view ultrasound images before she may have an abortion even if not medically necessary for patient care, and prohibits certain qualified health care professionals from performing abortion services.
- Arizona Gov. Janet Napolitano vetoed a measure that would make the state's existing parental-consent requirement even harsher.

States That Enacted Anti-Choice Legislation in 2008





## CHOICE POSITIONS IN THE STATES

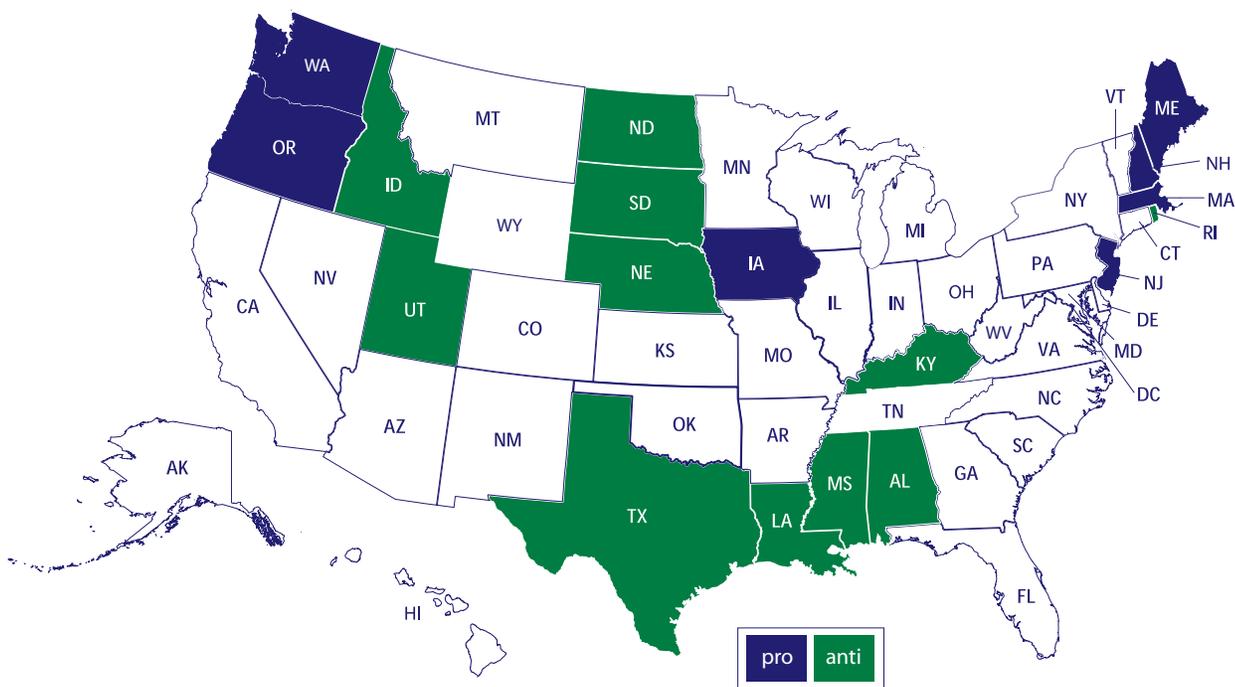
|          | Pro-Choice | Mixed-Choice | Anti-Choice |
|----------|------------|--------------|-------------|
| Governor | 19         | 13           | 18          |
| Senate   | 17*        | 13           | 21          |
| House    | 16         | 10           | 23          |

\*and the District of Columbia

## CHOICE POSITIONS OF STATE GOVERNMENTS

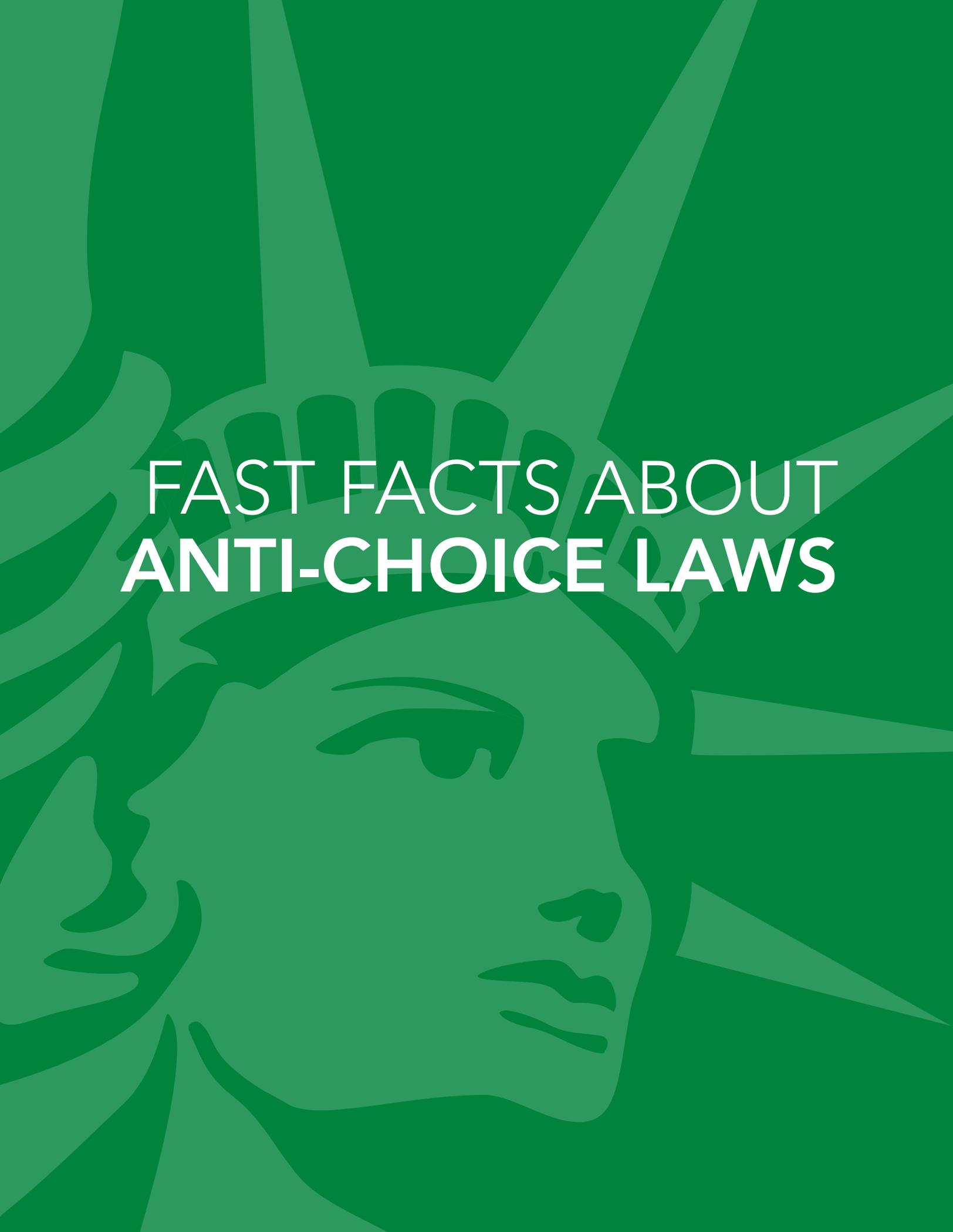
- There are seven states with pro-choice governments (both a majority of the legislature and the governor are pro-choice): IA, ME, MA, NH, NJ, OR, WA.
- There are 10 states with anti-choice governments (both a majority of the legislature and the governor are anti-choice): AL, ID, LA, MS, NE, ND, RI, SD, TX, UT.

Pro-Choice and Anti-Choice State Governments



<sup>1</sup> The terms "house" and "senate" include the equivalent bodies in states that have different titles for their state legislative bodies. Nebraska has a unicameral body that is counted as a senate.

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**FAST FACTS ABOUT  
ANTI-CHOICE LAWS**

# Near-Total Abortion Bans

**Q:** *Could the government really outlaw abortion if the U.S. Supreme Court overturns Roe v. Wade?*

**A: YES.** If *Roe vs. Wade* was overturned, it would open the door for anti-choice lawmakers in state and federal governments to enact and enforce laws banning abortion. In fact, some states already have abortion bans on the books, either from before *Roe* or because they enacted laws after *Roe* hoping to prompt the Supreme Court to overturn it. Currently, these bans are unenforceable; however, if *Roe* is overturned they will immediately become enforceable. Still other states have anti-choice legislatures and governors that are likely to enact abortion bans if *Roe* is overturned.



## CURRENT STATE LAWS

**15** states have unconstitutional and unenforceable near-total criminal bans on abortion: AL, AZ, AR, CO, DE, LA, MA, MI, MS, NM, OK, UT, VT, WV, WI.

■ **2** of these bans were enacted after *Roe v. Wade*: LA (1991) and UT (1991).

**4** states have laws that would impose near-total criminal bans on abortion if the Supreme Court overturns *Roe v. Wade* (sometimes known as “trigger” bans): LA, MS, ND, SD.



## 2008 STATE LEGISLATION

**12** states considered **22** near-total bans on abortion: AL, GA, MD, MS, NH, OH, OK, SC, SD, TN, UT, VA.

**2** states considered **2** measures that would impose near-total criminal bans on abortion if the Supreme Court overturns *Roe v. Wade* (sometimes known as “trigger” bans): OK, VA.

*This information is current as of October 31, 2008. For current information, including detailed summaries of all referenced laws and legislation, please visit [www.ProChoiceAmerica.org/whodecides](http://www.ProChoiceAmerica.org/whodecides). For maps and charts of key issues, please visit [www.ProChoiceAmerica.org/yourstate/whodecides/maps](http://www.ProChoiceAmerica.org/yourstate/whodecides/maps).*

# 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 does not allow for any exceptions when a woman's health is in danger. In April 2007, the Supreme Court declared the ban constitutional, thereby banning 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' medical judgment above a doctor's and would deny some women the medical care their doctors believe is safest for them.



## CURRENT STATE LAWS

**23** 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, AZ, AR, FL, ID, IL, IN, IA, KY, MI, MS, NE, NJ, ND, OK, RI, SC, SD, TN, VA, WV, WI.

■ **Virginia's** unconstitutional and unenforceable ban outlaws a safe abortion procedure.

**3** states ban a safe abortion procedure without a health exception: LA, MO, UT.

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



## CURRENT FEDERAL LAWS

In November 2003, Congress passed and President Bush signed into law the Federal Abortion Ban, which bans a safe abortion procedure, without an 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.



## 2008 STATE LEGISLATION

**3** states considered **5** measures that could ban safe, medically appropriate abortion care as early as the 12th week of pregnancy, with no exception to protect a woman's health: HI, TN, WV.

**8** states considered **17** measures that would ban a safe, medically appropriate abortion procedure without an exception to protect a woman's health: AK, AZ, KY, MI, MN, NH, WV, WI.



## 2008 NOTABLE CASES

In May 2008, a three-judge panel for a federal circuit court ruled that a Virginia law banning a safe, pre-viability abortion procedure could not go into effect. The decision was issued on the grounds that the statute's vague language would have outlawed the most common abortion methods as early as the second trimester and, as such, imposed an undue burden on a woman's right to choose. However, the court later agreed to rehear the case before the full, 11-member court and as of this publication's printing has not yet issued a decision.

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# Biased Counseling and Mandatory Delays

**Q:** *What are biased counseling and mandatory delay laws, and how do they endanger women's health?*

**A:** Biased counseling and mandatory delay laws prohibit women from receiving abortion care until they are subjected to a state-mandated lecture and/or materials followed by a delay of usually at least 24 hours before they can receive services. A woman considering abortion, like any patient, should receive full and unbiased information from her doctor about her medical options. However, these laws not only represent unnecessary government intrusion into private decisions and the doctor-patient relationship, they often suggest that women be provided with medically inaccurate information, such as the disproven claim that abortion causes breast cancer. Mandatory delays create additional burdens for women, especially women in rural areas who have to travel for many hours to reach a health care provider, and for women who do not have the resources to take extra time off work or pay for childcare. Mandatory delay laws endanger women's health by creating unnecessary burdens that can impede earlier, and therefore safer, abortion care.



## CURRENT STATE LAWS

**31** states have laws that subject women seeking abortions to biased counseling requirements and/or mandatory delays: AL, AK, AR, DE, FL, GA, ID, IN, KS, KY, LA, MA, MI, MN, MS, MO, MT, NE, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, WI.

- **6** of these laws have been found fully or partially unconstitutional by courts: DE, KY, MA, MI, MT, TN.



## 2008 STATE LEGISLATION

**13** states considered **48** measures related to requiring biased counseling and/or mandatory delays: CO, FL, IN, KS, KY, MA, MO, NJ, NY, NC, RI, TN, WA.



## 2008 NOTABLE CASE

In 2008, the U.S. Court of Appeals for the Eighth Circuit vacated a preliminary injunction enjoining enforcement of South Dakota's biased counseling and mandatory delay law, and remanded the case to the U.S. District Court for consideration of whether the law is constitutional. A three-judge panel of the 8th Circuit had previously affirmed a lower court's ruling that issued the temporary injunction prohibiting South Dakota from enforcing amendments to the law. These amendments include requirements that a doctor must tell a woman seeking an abortion that "the abortion will terminate the life of a whole, separate, unique, living human being," that "the pregnant woman has an existing relationship with that unborn human being and that the relationship enjoys protection under the United States Constitution and under the laws of South Dakota," and that "her existing relationship and her existing constitutional rights with regards to that relationship will be terminated." As of this publication's printing, the requirements in question are enforceable.

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*For maps and charts of key issues, please visit [www.ProChoiceAmerica.org/yourstate/whodecides/maps](http://www.ProChoiceAmerica.org/yourstate/whodecides/maps).*

# Counseling Bans and Gag Rules

**Q:** What are counseling bans and “gag rules,” and how do they impede women’s access to health care?

**A:** Having access to information about the full range of reproductive options is essential to making informed health care decisions. Counseling bans, also known as “gag rules,” typically prohibit organizations that receive state and/or federal funds from counseling or referring women for abortion services, prevent doctors from treating their patients responsibly, and severely limit women’s ability to make informed choices. Women and their health care providers—not politicians—should make private medical decisions.



## CURRENT STATE LAWS

**19** states have laws that prohibit some or all state employees or organizations that receive state funds from providing counseling or referring women for abortion services: AL, AZ, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, PA, SC, VA, WI.

- **North Dakota’s** prohibition has been held partially unconstitutional.



## CURRENT FEDERAL LAW

The Federal Refusal Clause is a back-door “gag rule” that allows health care companies to forbid their doctors from providing medically necessary and appropriate abortion care, or even referring patients to another provider. In addition, on his first business day in office, President Bush imposed the global gag rule. This harmful policy prohibits the U.S. Agency for International Development from granting family-planning funds to any overseas health center unless it agrees not to use any funds—including its own, private, non-U.S. funds—to provide, counsel, or refer women for abortion care, or even take a pro-choice position.



## 2008 STATE LEGISLATION

**8** states considered **17** measures that would prohibit some or all state employees or organizations that receive state funds from providing counseling or referring women for abortion services under some or all circumstances: AL, KY, MI, MN, NE, OK, RI, WV.

- While **Michigan** and **Nebraska** re-authorized measures containing a gag rule, **Kentucky** enacted a new law prohibiting organizations receiving state funds for certain services from counseling or referring women for abortion services.



## 2008 FEDERAL LEGISLATION

Under pro-choice leadership in 2007, Congress sought—for the first time in recent memory—to reverse course on the global gag rule and bring meaningful relief to women and families abroad. In 2007, the Senate voted to repeal the global gag rule, and the House voted to partially repeal it, but they were blocked by anti-choice lawmakers and a Bush veto threat. Congress tried again in 2008 to reverse the rule, but, in the end, passed a continuing resolution that did not contain language repealing the global gag rule.

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*For maps and charts of key issues, please visit [www.ProChoiceAmerica.org/yourstate/whodecides/maps](http://www.ProChoiceAmerica.org/yourstate/whodecides/maps).*

# Insurance Prohibition for Abortion

**Q:** *What are bans on insurance coverage for abortion, and how do they restrict women's privacy and choice?*

**A:** Anti-choice state and federal legislators have enacted laws prohibiting insurance companies from covering abortion services, or requiring women to pay an extra premium to receive coverage for abortion care. Women should not be denied coverage for reproductive health services—a basic part of women's health care—by politicians imposing their personal beliefs on private medical decisions.



## CURRENT STATE LAWS

**17** states prohibit insurance plans for public and/or private employees from covering abortion services: AR, CO, ID, IL, KY, MA, MS, MO, NE, ND, OH, OK, PA, RI, SC, VA, WI.

- **Rhode Island** has two separate insurance prohibition laws. Courts have declared one unconstitutional and unenforceable and the other partially unconstitutional and unenforceable.



## CURRENT FEDERAL LAWS

Federal law bars federal employees from selecting a health care plan that provides abortion coverage. Retired and current military personnel and their dependents are also prohibited from obtaining coverage for abortion care through military health plans, even if a pregnancy resulted from an act of rape or incest. Health insurance plans for non-federal employees are not required to provide coverage for abortion care except when the life of the woman is endangered.



## 2008 STATE LEGISLATION

**6** states considered **10** measures that would prohibit insurance plans for public and/or private employees from covering abortion services: NC, OH, OK, PA, SC, WV.

- **South Carolina** re-authorized a measure that prohibits insurance coverage for abortion for government employees.



## 2008 FEDERAL LEGISLATION

Since 1995, Congress has adopted language annually barring federal employees from selecting a health care plan that provides abortion coverage.

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# Refusal to Provide Medical Services

**Q:** *Are health care providers really allowed to refuse to provide medically necessary services?*

**A: YES.** A number of state and federal laws include provisions known as “refusal clauses,” which permit a broad range of individuals and institutions—including hospitals, hospital employees, health care providers, pharmacists, employers, and insurance companies—to refuse to provide, pay for, counsel for, or even refer patients for medical treatment that they oppose. Although carefully crafted refusal clauses may be acceptable in some circumstances to protect individuals who oppose certain treatments, broad refusal clauses deny women medically necessary information, referrals, and services. In addition, even if individual medical providers are protected, health care corporations should not be allowed to broadly deny women access to necessary medical services and information.



## CURRENT STATE LAWS

**47** states and the District of Columbia allow certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals: AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY.



## CURRENT FEDERAL LAWS

Several provisions exist in federal law that allow health care companies to refuse to provide, pay for, counsel for, or even refer for abortion services—and in some cases contraceptives. Most recently, Congress passed the Federal Refusal Clause (FRC), which eliminates federal, state, and local governments’ ability to ensure that abortion care and referrals are available. Under the FRC, a federal, state, or local government may not require any health care company to provide, pay for, or refer for abortion services. Any law or regulation that does so can be considered “discrimination” against the entity and a violation of the FRC.



## 2008 STATE LEGISLATION

**13** states considered **21** measures that would allow certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals: AL, HI, IN, MI, MO, NY, NC, OK, PA, RI, SC, VT, WV.

- **10** states considered **13** measures that would permit pharmacists and/or pharmacies to refuse to fill women’s prescriptions for contraception, including emergency contraception: AL, HI, IN, MI, MO, NY, PA, RI, SC, VT.
- **12** states considered **19** measures that would allow health-care entities and/or individuals to refuse to provide abortion services: AL, HI, IN, MI, NY, NC, OK, PA, RI, SC, VT, WV.

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# Restrictions on Low-Income Women's Access to Abortion

**Q:** How do certain restrictions on access to abortion care disproportionately affect low-income women's health?

**A:** All women should have access to reproductive health care regardless of their economic status, but restrictions on public funding make abortion services an unavailable choice for many low-income women. Banning public funding for certain services limits reproductive health options for those who rely on the government for their health care, putting women's health in danger and inserting politicians into the doctor-patient relationship.



## CURRENT STATE LAWS

**33** states and the District of Columbia restrict low-income women's access to abortion: AL, AR, CO, DE, DC, FL, GA, ID, IN, IA, KS, KY, LA, ME, MI, MS, MO, NE, NV, NH, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WI, WY.

**17** states provide low-income women access to abortion: AK, AZ, CA, CT, HI, IL, MD, MA, MN, MT, NJ, NM, NY, OR, VT, WA, WV.



## CURRENT FEDERAL LAWS

Several federal laws, most notably the Hyde amendment, bar access to abortion care for most low-income women who rely on the federal government for their health care, with exceptions only to preserve the woman's life or if the pregnancy results from rape or incest. Women affected by these bans include recipients of Medicaid, Medicare, the State Children's Health Insurance Program, Indian Health Service clients, and clients of the District of Columbia's public health care programs.



## 2008 STATE LEGISLATION

**10** states considered **20** measures that would prohibit or severely restrict the use of public funds for abortion services: AL, AK, CO, MN, NJ, NY, RI, TN, VA, WV.

- **Alaska** and **Colorado** enacted two measures restricting low-income women's access to abortion. In Alaska, however, these prohibitions have been deemed unenforceable by the Attorney General in light of state precedent.



## 2008 FEDERAL LEGISLATION

Most of the federal funding bans on abortion services for low-income women described above are extended annually by Congress.

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# Restrictions on Young Women's Access to Abortion

**Q:** How are abortion restrictions dangerous to young women's safety?

**A:** Most young women talk with at least one parent when facing an unintended pregnancy. But some young women feel for various reasons—including abuse, rape, or incest—that they cannot tell a parent that they are pregnant. Of course, most parents hope their daughters will seek out their advice, but responsible parents want, above all, for their daughters to be safe. Restrictions on young women's access to abortion care can lead to family violence when a young woman must tell an abusive parent about her decision to end a pregnancy, and can delay young women from seeking earlier, safer abortion care, thus putting their health at risk.



## CURRENT STATE LAWS

**43** states restrict young women's access to abortion by mandating parental notice or consent: AL, AK, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, WI, WY.

- **7** of these laws have been found unconstitutional and unenforceable: AK, CA, IL, MT, NV, NJ, NM.



## 2008 STATE LEGISLATION

**16** states considered **42** measures that would restrict young women's access to abortion services by requiring parental notice or consent before a young woman may have an abortion or by making existing laws with those requirements even harsher: AK, AZ, CA, FL, HI, MI, MS, NH, NJ, NY, NC, OK, VT, VA, WA, WV.



## 2008 FEDERAL LEGISLATION

In 2007, lawmakers in the House of Representatives reintroduced the so-called "Child Interstate Abortion Notification Act," which would impose a complex patchwork of parental involvement laws on states, doctors, and young women. The bill also imposes criminal penalties on anyone other than a parent—including a grandparent or minister—who accompanies a young woman across state lines for abortion care if requirements of the home state's parental involvement law have not been met.

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# Spousal Consent and Notice

**Q:** *What are spousal consent and notice laws, and how do they restrict women's access to abortion services and jeopardize women's health?*

**A:** Spousal consent and notice laws require a pregnant woman to obtain written consent from, or give notice to, her husband prior to receiving abortion services. Of course, most couples talk with each other when facing an unintended pregnancy, and we applaud men who are actively involved in such discussions. However, these types of laws are inherently dangerous. A significant number of women in this country are victims of systematic physical and psychological abuse at the hands of their husbands. Consent and notice requirements become a substantial obstacle when a woman fears for her safety and the safety of her children if she must tell an abusive husband about her decision to end a pregnancy. More recent legislation on this issue requires a pregnant woman to obtain consent from, or give notice to, the man involved in the pregnancy regardless of her relationship with him. Such a requirement can delay a woman from seeking earlier, safer abortion care, thus putting her health at risk.



## CURRENT STATE LAWS

**8** states have unconstitutional and unenforceable laws that require women to obtain the written consent from, or give notice to, her husband prior to receiving abortion care: CO, IL, KY, LA, ND, PA, RI, SC.



## 2008 STATE LEGISLATION

**2** states considered measures that would restrict women's access to abortion services by requiring consent from or notice to the man involved in the pregnancy before a pregnant woman may receive abortion care: OH, WV.

**Rhode Island** considered **2** measures that would repeal the state's spousal notification requirement.

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# Targeted Regulation of Abortion Providers (TRAP)

**Q:** What are TRAP laws, and how do they impede women's access to health care services?

**A:** The anti-choice movement has undertaken a campaign to systematically impose unnecessary and burdensome regulations on abortion providers—but not other medical professionals—in an obvious attempt to drive doctors out of practice and make abortion care more expensive and difficult to obtain. Such proposals are known as TRAP laws: Targeted Regulation of Abortion Providers. Common TRAP regulations include those that restrict where abortion care may be provided. Regulations limiting abortion services to hospitals or other specialized facilities, rather than physician's offices, require doctors to obtain medically unnecessary additional licenses, needlessly convert their practices into mini-hospitals at a great expense, or provide abortion services only at hospitals, an impossibility in many parts of the country.



## CURRENT STATE LAWS

**44** states and the District of Columbia have laws subjecting abortion providers to burdensome restrictions not applied to other medical professionals: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI, WY.

- All of these states prohibit certain qualified health care professionals from performing abortions.
- **25** of these states restrict the provision of abortion care—often even in the early stages of pregnancy—to hospitals or other specialized facilities: AK, AR, CT, GA, ID, IN, MA, MN, MS, MO, NV, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, UT, VA, WI.
- **15** of these laws are at least partially unenforceable: AK, AZ, ID, IL, MA, MS, MO, NY, ND, OH, OK, PA, TN, UT, WI.



## 2008 STATE LEGISLATION

**16** states considered **33** measures that would subject abortion providers to burdensome restrictions not applied to other medical professionals: AK, FL, HI, IL, IN, IA, MN, MS, MO, NH, NJ, NY, OK, TN, VA, WV.

- **Oklahoma** enacted a TRAP law.



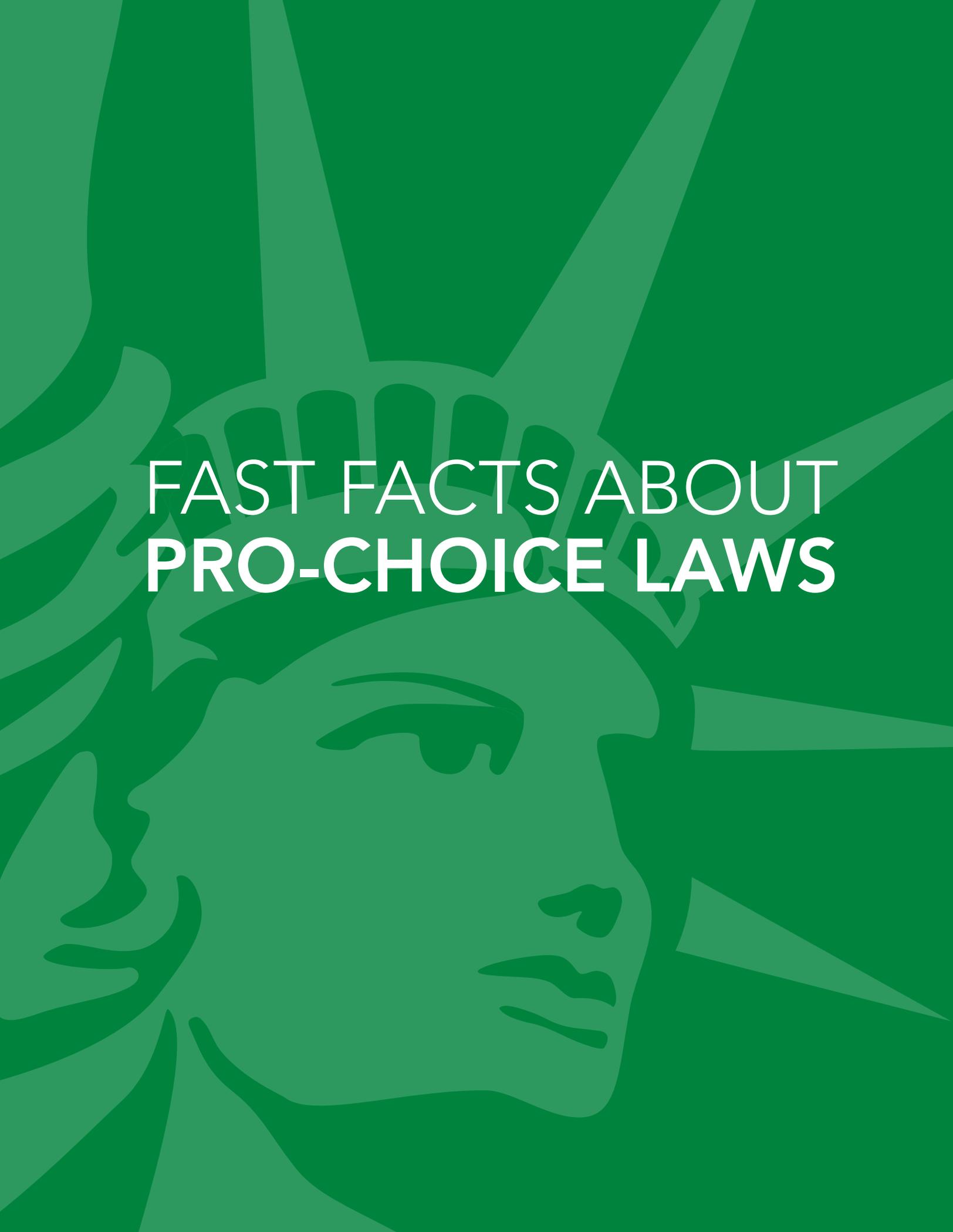
## 2008 FEDERAL LEGISLATION

Anti-choice Sen. David Vitter (R-LA) introduced the Pregnant Women Health and Safety Act. Despite its title, the bill would gravely endanger women's reproductive health by imposing TRAP requirements on doctors in an attempt to drive them out of practice and to make it extremely difficult for women to obtain safe, legal abortion care. The first federal TRAP bill in recent memory, this bill would require doctors who provide abortion services to have admitting privileges at a hospital located within one hour of the provider's facility, with no requirement that hospitals grant such privileges and no exception for rural providers.

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[www.ProChoiceAmerica.org](http://www.ProChoiceAmerica.org)



**FAST FACTS ABOUT  
PRO-CHOICE LAWS**

# Contraceptive Equity

**Q:** Why is insurance coverage for contraception important to women's health?

**A:** Laws promoting insurance coverage for contraception are crucial to protecting and promoting women's reproductive health. By guaranteeing that insurers cover prescription contraception to the same extent as other drugs, contraceptive-equity laws help ensure women's access to birth control and ultimately help prevent unintended pregnancies and reduce the need for abortion.



## CURRENT STATE LAWS

**27** states have passed comprehensive laws or regulations ensuring equity in private insurance coverage for prescription contraception: AZ, AR, CA, CT, DE, GA, HI, IL, IA, ME, MD, MA, MI, MO, MT, NV, NH, NJ, NM, NY, NC, OR, RI, VT, WA, WV, WI.



## CURRENT FEDERAL LAWS

Current law guarantees that Federal Employee Health Benefits (FEHB) plans cover prescription contraception to the same extent as other prescription medications.



## 2008 STATE LEGISLATION

**7** states considered **15** measures that would ensure equity in private insurance coverage for prescription contraception: LA, MI, NJ, NY, OH, OK, PA.



## 2008 FEDERAL LEGISLATION

Pro-choice lawmakers sponsored the Equity in Prescription Insurance and Contraceptive Coverage Act and the Prevention First Act to ensure that prescription contraceptives are covered equally with other prescription drugs and related medical services. Both of these bills are components of the pro-choice "Prevention First Agenda" which aims to prevent unintended pregnancies, and therefore, reduce the need for abortion.

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# Emergency Contraception (EC)

**Q:** What is emergency contraception, and why is it important to women's health?

**A:** Emergency contraception (EC), often referred to as the "morning-after" pill, contains the same active ingredients as ordinary birth control pills and can significantly reduce a woman's chance of becoming pregnant if taken soon after sex. EC can prevent a pregnancy before it occurs; it has no effect on an existing pregnancy. It may be used when other birth control methods fail or are not used, such as when women are sexually assaulted. In 2006, the U.S. Food and Drug Administration approved the emergency contraceptive Plan B® for over-the-counter sales for adults aged 18 and over. However, many women do not know about EC, and anti-choice groups have fought efforts to increase access to it.



## CURRENT STATE LAWS

**21** states have **32** laws and/or policies that improve women's access to EC: AK, AR, CA, CO, CT, HI, IL, ME, MD, MA, MN, NH, NJ, NM, NY, OK, OR, SC, VT, WA, WI.

- **14** states have laws that increase sexual-assault survivors' access to EC or information about EC in hospitals: AR, CA, CO, CT, IL, MA, MN, NJ, NM, NY, OR, SC, WA, WI.
- **9** states allow pharmacists to provide EC to any woman without a prescription: AK, CA, HI, ME, MA, NH, NM, VT, WA.
- **8** states provide Medicaid coverage of over-the-counter EC: HI, IL, MD, NJ, NY, OK, OR, WA.



## 2008 STATE LEGISLATION

**16** states and the District of Columbia considered **50** measures that would allow women greater access to EC: AZ, DC, FL, HI, IL, MI, MN, MO, NJ, NY, NC, OH, OK, PA, TN, WV, WI.

- **13** states and the District of Columbia considered **29** measures that would ensure that sexual-assault survivors receive access to EC or information about EC in hospitals: AZ, DC, FL, HI, MI, MN, MO, NC, OH, OK, PA, TN, WV, WI.
  - **Wisconsin** enacted a law improving sexual-assault survivors' access to information and/or EC in hospitals.
- **3** states considered **5** measures that would allow pharmacists to provide EC to women without a prescription: IL, NJ, NY.
- **2** states considered **4** measures that would provide Medicaid coverage of over-the-counter EC: HI, NY.



## 2008 FEDERAL LEGISLATION

Lawmakers have sponsored a number of pieces of pro-choice legislation related to emergency contraception, including bills to ensure that EC is offered to sexual-assault survivors in hospitals, to guarantee that women can receive EC from pharmacies without lecture or delay, to make EC available to women in the military, and to fund EC public-education campaigns. The Prevention First Act also contains several provisions that would improve women's access to EC. Unfortunately, anti-choice lawmakers have blocked these measures.

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# Freedom of Choice Acts

**Q:** *What are Freedom of Choice Acts, and why do states need to codify Roe's protections?*

**A:** In *Roe v. Wade*, the U.S. Supreme Court ruled that the Constitution guarantees a woman's right to choose. However, in subsequent decisions the Supreme Court limited sharply some of *Roe's* protections and could potentially eliminate them entirely. A Freedom of Choice Act helps to ensure that a woman's right to choose is preserved by making *Roe's* protections a permanent part of state or federal law. Women in states with Freedom of Choice Acts—or women nationwide if Congress were to pass a federal version—would continue to have access to safe, legal abortion care, even if *Roe* is further eroded or overturned in the courts. However, if the Supreme Court overturned or eviscerated *Roe* without a Freedom of Choice Act in place, Congress would be able to ban some or all abortions nationwide, trumping state codifications of *Roe's* protections.



## CURRENT STATE LAWS

**7** states have codified a woman's right to choose, making the protections of *Roe v. Wade* part of state law: CA, CT, HI, ME, MD, NV, WA.

- **3** states enacted these measures by ballot initiative: MD, NV, WA.



## 2008 STATE LEGISLATION

**5** states considered **7** measures that would make the protections of *Roe v. Wade* part of state law: IL, MN, NM, NY, RI.



## 2008 FEDERAL LEGISLATION

Pro-choice lawmakers sponsored legislation to codify a woman's right to choose and make the protections of *Roe v. Wade* permanent under federal law.

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# Guaranteed Access to Prescriptions

**Q:** What can be done about pharmacists who refuse to fill women's prescriptions for birth control?

**A:** Laws that guarantee women's access to prescriptions are becoming increasingly necessary to address the growing issue that some pharmacists refuse to fill women's legally prescribed birth control prescriptions. Some pharmacists even go so far as to lecture women, humiliate them at the counter, or refuse to hand back a prescription. When a woman walks into a pharmacy with a birth control prescription from her doctor, she should walk out with the medication—without intimidation, delay, or harassment.



## CURRENT STATE LAWS

**6** states guarantee that women's birth control prescriptions will be filled: CA, IL, ME, NV, NJ, WA.

- Washington's rule is currently enjoined.



## 2008 STATE LEGISLATION

**12** states considered **26** measures that would guarantee that women's birth control prescriptions be filled: FL, IN, MI, MO, NJ, NY, OH, OK, PA, RI, WV, WI.



## 2008 FEDERAL LEGISLATION

Pro-choice lawmakers have sponsored legislation that would guarantee women's access to prescriptions and require pharmacies to ensure that women's prescriptions for birth control are filled without delay or interference.



## 2008 NOTABLE CASES

In November 2007, the United States District Court for the Western District of Washington granted pharmacists' motion for a preliminary injunction against Washington's Pharmacy Board's rule that requires pharmacists to dispense lawfully prescribed drugs or devices approved by the U. S. Food and Drug Administration. An appeal was filed in December 2007 with the Ninth Circuit Court of Appeals and a decision is pending.

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# Low-Income Women's Access to Family Planning

**Q:** How can low-income women access costly family-planning services?

**A:** All women should have access to basic reproductive health care regardless of their income, but the high cost of health care and health insurance makes family planning services unavailable to many women. Title X is the federal program that provides essential funding to family planning clinics that serve many low-income women. Also, some states have improved coverage for family-planning services by applying for and receiving a waiver from the federal government's Medicaid program. States that obtain a waiver are able to expand certain eligibility requirements for Medicaid-funded family planning services and thus provide more women with access to this basic medical care.



## CURRENT STATE LAWS

**27** states currently provide certain low-income women coverage for Medicaid-funded reproductive health care services through a waiver obtained from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid services: AL, AZ, AR, CA, DE, FL, IL, IA, LA, MD, MI, MN, MS, MO, NM, NY, NC, OK, OR, PA, RI, SC, TX, VA, WA, WI, WY.

- Note: The breadth and scope of each waiver varies greatly from state to state.



## CURRENT FEDERAL LAWS

Title X of the Public Health Service Act grants federal funds to family planning clinics that provide reproductive health services to low-income women, uninsured women, and women who cannot qualify for Medicaid. For many women, Title X clinics provide the only basic health care that they receive.



## 2008 FEDERAL LEGISLATION

The Prevention First Act contains a number of preventive-health and education measures designed to reduce the number of unintended pregnancies and, therefore, the need for abortion. Among other provisions, this bill would increase funding for the national family planning program, Title X, and expand Medicaid family planning services to cover more low-income women. Pro-choice lawmakers have also introduced legislation that would make more low-income working women eligible for certain Medicaid-funded programs, thus creating parity in eligibility for birth care and family-planning services.

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# Protection from Clinic Violence

**Q:** *Why are specific laws needed to address violence directed at reproductive health providers and their patients?*

**A:** Women's painful, real-world experiences have shown that general laws prohibiting violence and intimidation do not provide sufficient protection against the unlawful and often violent tactics used by some opponents of abortion rights. Laws protecting women and providers from violence and intimidation are critical to preserving the right to choose and ensuring that reproductive health clinics remain operable. The federal Freedom of Access to Clinic Entrances Act (FACE), and similar state clinic protection laws, provide this critical protection.



## CURRENT STATE LAWS

**16** states and the District of Columbia have laws that protect health care facilities, providers, and/or patients from blockades, harassment, and/or other violence: CA, CO, CT, DC, KS, ME, MD, MA, MI, MN, MT, NV, NY, NC, OR, WA, WI.

**3** of these states have buffer zones that protect patients and clinic personnel from unwanted harassment within specified distances from clinics: CO, MA, MT.



## CURRENT FEDERAL LAW

The Freedom of Access to Clinic Entrances Act (FACE) provides federal protection against the unlawful and often violent tactics used by abortion opponents. It provides civil remedies and criminal penalties for a range of violent, obstructive, or threatening conduct directed at reproductive health providers and patients. Courts repeatedly have upheld the law as constitutional, and experts credit FACE as a significant factor in reducing clinic violence.



## 2008 STATE LEGISLATION

**5** states considered **6** measures that would protect reproductive health providers and patients from violence and intimidation: CA, NJ, NY, RI, VT.

- **California** enacted a measure that protects freedom of access to reproductive-health facilities by extending the repeal date of the California "Reproductive Rights Law Enforcement Act" to 2014. The law was due to expire January 1, 2009.

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# State Constitutional Protection

**Q:** *Can a state constitution provide broader protection for the right to choose than the federal Constitution does?*

**A: YES.** Women's freedom and privacy are protected by the Constitution, as interpreted by the U.S. Supreme Court in the historic *Roe v. Wade* decision. However, an increasingly hostile Supreme Court has allowed more and more restrictions on those rights, leading to politicians and others infringing on private medical decisions in a myriad of ways. Fortunately, a number of state courts have ruled that their state constitutions provide stronger protections for the right to privacy and the right to choose than the U. S. Constitution. If *Roe* were overturned, these states may be able to ensure that women have continued access to safe, legal options. Nonetheless, if there were no federal constitutional protection for choice, Congress would be able to ban abortion nationwide, trumping state constitutional protections.



## CURRENT STATE LAWS

**16** states' constitutions provide greater protection of a woman's right to choose than does the federal Constitution: AK, AZ, CA, CT, FL, IL, IN, MA, MN, MT, NJ, NM, OR, TN, VT, WV.



## 2008 STATE LEGISLATION

No states considered legislation to establish or expand state constitutional protection.

**4** states considered **10** measures intended to reduce or eliminate, or completely prohibit, state constitutional protection of a woman's right to choose: MN, NJ, TN, WV.

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# FEDERAL PROFILE

# U.S. FEDERAL GOVERNMENT

## ACCESS FACT

**87** percent of U.S. counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Federal Political Information

### EXECUTIVES

President-elect Barack Obama (D) is *pro-choice*.

Vice President-elect Joe Biden (D) is *mixed-choice*.

### CONGRESS

The U.S. Senate is under *pro-choice* control.

The U.S. House of Representatives is under *pro-choice* control.

## Federal Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit the federal Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Federal law includes a ban on a safe abortion procedure.

### INSURANCE PROHIBITION FOR ABORTION

Federal law restricts insurance coverage for abortion for federal employees.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Federal law allows some health care corporations to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Federal law restricts low-income women's access to abortion.

### RESTRICTIONS ON WOMEN IN THE MILITARY'S ACCESS TO ABORTION

Federal law severely restricts women in the military's access to abortion.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Federal law requires federal employee health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

A federal regulation allows adults access to emergency contraception without a prescription.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Title X of the Public Health Service Act grants federal funds to family planning clinics that provide comprehensive reproductive health services to low-income women, uninsured women, and women who cannot qualify for Medicaid.

### PROTECTION AGAINST CLINIC VIOLENCE

Federal law protects women seeking reproductive health care and medical personnel from blockades and violence.

[www.ProChoiceAmerica.org/whodecides/federal](http://www.ProChoiceAmerica.org/whodecides/federal)



# STATE PROFILES

# ALABAMA

GRADE

# F

ACCESS FACT

**93** percent of Alabama counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Alabama Political Information

### EXECUTIVE

Governor Robert Riley (R) is *anti-choice*.

### LEGISLATURE

The Alabama Senate is *anti-choice*.

The Alabama House is *anti-choice*.

## Alabama Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Alabama's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Alabama has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Alabama law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Alabama prohibits certain state employees or organizations receiving state funds from advocating for or promoting abortion services.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Alabama restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Alabama law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Alabama subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Alabama provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Alabama restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/alabama](http://www.ProChoiceAmerica.org/whodecides/alabama)

# ALASKA

## Alaska Political Information

### EXECUTIVE

Governor Sarah Palin (R) is *anti-choice*.

### LEGISLATURE

The Alaska Senate is *mixed-choice*.

The Alaska House is *anti-choice*.

## Alaska Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Alaska's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Alaska has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING

Alaska law subjects women seeking abortions to biased counseling requirements.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Alaska allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Alaska has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Alaska law subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

Alaska allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Alaska provides low-income women access to abortion.

### STATE CONSTITUTIONAL PROTECTION

Alaska's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## GRADE

# B-

## ACCESS FACT

**81** percent of Alaska counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/alaska](http://www.ProChoiceAmerica.org/whodecides/alaska)

# ARIZONA

## GRADE

# B-

## ACCESS FACT

**73 percent** of Arizona counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE ARIZONA

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## Arizona Political Information

### EXECUTIVE

Governor Janet Napolitano (D) is *pro-choice*.

### LEGISLATURE

The Arizona Senate is *anti-choice*.

The Arizona House is *anti-choice*.

## Arizona Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Arizona's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Arizona has unconstitutional and unenforceable criminal bans on abortion.

### COUNSELING BAN/GAG RULE

Arizona prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### PUBLIC FACILITIES RESTRICTION

Arizona prohibits the use of some public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Arizona allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Arizona law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Arizona subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Arizona law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Arizona provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Arizona provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### STATE CONSTITUTIONAL PROTECTION

Arizona's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Arizona restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/arizona](http://www.ProChoiceAmerica.org/whodecides/arizona)

# ARKANSAS

## Arkansas Political Information

### EXECUTIVE

Governor Mike Beebe (D) is *mixed-choice*.

### LEGISLATURE

The Arkansas Senate is *anti-choice*.

The Arkansas House is *anti-choice*.

## Arkansas Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Arkansas' Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Arkansas has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Arkansas law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### INSURANCE PROHIBITION FOR ABORTION

Arkansas restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Arkansas' constitution includes a strongly anti-choice policy statement.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Arkansas allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Arkansas restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Arkansas law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Arkansas subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Arkansas law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Arkansas allows some women greater access to information about emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Arkansas provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Arkansas restricts post-viability abortions.

## GRADE

# F

## ACCESS FACT

**97** percent of Arkansas counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/arkansas](http://www.ProChoiceAmerica.org/whodecides/arkansas)

# CALIFORNIA

## GRADE

# A+

## ACCESS FACT

**41** percent of California counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE CALIFORNIA

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## Other Related Laws

### INFORMED CONSENT

California has an abortion-specific informed consent law.

### POST-VIABILITY ABORTION RESTRICTION

California restricts post-viability abortions.

## California Political Information

### EXECUTIVE

Governor Arnold Schwarzenegger (R) is *mixed-choice*.

### LEGISLATURE

The California Senate is *pro-choice*.  
The California Assembly is *pro-choice*.

## California Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit California's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

California allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

California has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

California prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

California law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

California allows some women greater access to emergency contraception (EC).

### FREEDOM OF CHOICE ACT

California has an affirmative right to choose in its state law.

### GUARANTEED ACCESS TO PRESCRIPTIONS

California guarantees that women's birth control prescriptions will be filled.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

California provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

California provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

California law protects women seeking reproductive health care and medical personnel from blockades and violence.

### STATE CONSTITUTIONAL PROTECTION

California's constitution provides greater protection for a woman's right to choose than the federal Constitution.

[www.ProChoiceAmerica.org/whodecides/california](http://www.ProChoiceAmerica.org/whodecides/california)

# COLORADO

## Colorado Political Information

### EXECUTIVE

Governor Bill Ritter, Jr. (D) is *mixed-choice*.

### LEGISLATURE

The Colorado Senate is *pro-choice*.

The Colorado House is *pro-choice*.

## Colorado Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Colorado's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Colorado has an unconstitutional and unenforceable criminal ban on abortion.

### INSURANCE PROHIBITION FOR ABORTION

Colorado restricts insurance coverage of abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Colorado allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Colorado restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Colorado law restricts young women's access to abortion services by mandating parental notice.

### SPOUSAL CONSENT

Colorado has an unconstitutional and unenforceable law mandating spousal consent before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Colorado prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

Colorado allows some women greater access to information about emergency contraception (EC).

### PROTECTION AGAINST CLINIC VIOLENCE

Colorado law protects women seeking reproductive health care and medical personnel from harassment, blockades, and violence.

## GRADE

# D<sup>+</sup>

## ACCESS FACT

**78** percent of Colorado counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE COLORADO

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[www.ProChoiceAmerica.org/whodecides/colorado](http://www.ProChoiceAmerica.org/whodecides/colorado)

# CONNECTICUT

## GRADE

# A

## ACCESS FACT

**25** percent of Connecticut counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## Connecticut Political Information

### EXECUTIVE

Governor M. Jodi Rell (R) is *pro-choice*.

### LEGISLATURE

The Connecticut Senate is *pro-choice*.

The Connecticut House is *mixed-choice*.

## Connecticut Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Connecticut's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Connecticut allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Connecticut subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Connecticut law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Connecticut allows some women greater access to emergency contraception (EC).

### FREEDOM OF CHOICE ACT

Connecticut has an affirmative right to choose in its state law.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Connecticut provides low-income women access to abortion.

### PROTECTION AGAINST CLINIC VIOLENCE

Connecticut law protects women seeking reproductive health care and medical personnel from blockades and violence.

### STATE CONSTITUTIONAL PROTECTION

Connecticut's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### INFORMED CONSENT

Connecticut has an abortion-specific informed consent law.

### POST-VIABILITY ABORTION RESTRICTION

Connecticut restricts post-viability abortions.

### YOUNG WOMEN'S ACCESS TO ABORTION

Connecticut requires young women to receive counseling prior to receiving an abortion.

[www.ProChoiceAmerica.org/whodecides/connecticut](http://www.ProChoiceAmerica.org/whodecides/connecticut)

# DELAWARE

## Delaware Political Information

### EXECUTIVE

Governor Jack Markell (D) is *mixed-choice*.

### LEGISLATURE

The Delaware Senate is *pro-choice*.

The Delaware House is *pro-choice*.

## Delaware Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Delaware's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Delaware has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Delaware has a partially unconstitutional and unenforceable law that subjects women seeking abortions to biased counseling requirements and mandatory delays.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Delaware allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Delaware restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Delaware law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Delaware prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Delaware law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Delaware provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Delaware has an unconstitutional and unenforceable law that restricts post-viability abortions.

## GRADE

C+

## ACCESS FACT

**33** percent of Delaware counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/delaware](http://www.ProChoiceAmerica.org/whodecides/delaware)

# DISTRICT OF COLUMBIA

## GRADE

# B-

## ACCESS FACT

The number of abortion providers in the District of Columbia fell **17 percent** from 1996 to 2000

SOURCE: GUTTMACHER INSTITUTE

## District of Columbia Political Information

### EXECUTIVE

Mayor Adrian Fenty's (D) position on choice is *unknown*.

### LEGISLATURE

The District of Columbia Council is *pro-choice*.

## District of Columbia Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit the District of Columbia's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

The District of Columbia allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

The District of Columbia restricts low-income women's access to abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

The District of Columbia prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### PROTECTION AGAINST CLINIC VIOLENCE

The District of Columbia protects women seeking reproductive health care and medical personnel from blockades and violence.

[www.ProChoiceAmerica.org/whodecides/districtofcolumbia](http://www.ProChoiceAmerica.org/whodecides/districtofcolumbia)

# FLORIDA

## Florida Political Information

### EXECUTIVE

Governor Charlie Crist (R) is *anti-choice*.

### LEGISLATURE

The Florida Senate is *mixed-choice*.

The Florida House is *anti-choice*.

## Florida Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Florida's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Florida has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING

Florida law subjects women seeking abortions to biased counseling requirements.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Florida allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Florida restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Florida law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Florida subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### STATE CONSTITUTIONAL PROTECTION

Florida's constitution provides greater protection for a woman's right to choose than the federal Constitution.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Florida provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Florida restricts post-viability abortions.

## GRADE

# D

## ACCESS FACT

**69** percent of Florida counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/florida](http://www.ProChoiceAmerica.org/whodecides/florida)

# GEORGIA

## GRADE

# D

## ACCESS FACT

**92 percent** of Georgia counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Georgia Political Information

### EXECUTIVE

Governor Sonny Perdue (R) is *anti-choice*.

### LEGISLATURE

The Georgia Senate is *mixed-choice*.

The Georgia House is *anti-choice*.

## Georgia Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Georgia's Who Decides? web page.*

## Anti-Choice Laws

### BIASED COUNSELING & MANDATORY DELAY

Georgia law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Georgia allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Georgia restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Georgia restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Georgia subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Georgia law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Georgia restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/georgia](http://www.ProChoiceAmerica.org/whodecides/georgia)

# HAWAII

## Hawaii Political Information

### EXECUTIVE

Governor Linda Lingle (R) is *mixed-choice*.

### LEGISLATURE

The Hawaii Senate is *pro-choice*.

The Hawaii House is *pro-choice*.

## Hawaii Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Hawaii's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Hawaii allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Hawaii prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Hawaii law requires health insurance plans to provide coverage for prescription contraception.

### EMERGENCY CONTRACEPTION

Hawaii allows some women greater access to emergency contraception (EC).

### FREEDOM OF CHOICE ACT

Hawaii has an affirmative right to choose in its state law.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Hawaii provides low-income women access to abortion.

### GRADE

# A

### ACCESS FACT

**20** percent of Hawaii counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/hawaii](http://www.ProChoiceAmerica.org/whodecides/hawaii)

# IDAHO

GRADE

F

ACCESS FACT

**93** percent of Idaho counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Idaho Political Information

### EXECUTIVE

Governor Clement Leroy "Butch" Otter (R) is *anti-choice*.

### LEGISLATURE

The Idaho Senate is *anti-choice*.

The Idaho House is *anti-choice*.

## Idaho Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Idaho's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Idaho has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Idaho law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### INSURANCE PROHIBITION FOR ABORTION

Idaho restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Idaho law includes a strongly anti-choice policy statement.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Idaho allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Idaho restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Idaho restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Idaho prohibits certain qualified health care professionals from performing abortions, and has an unconstitutional and unenforceable law that subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Idaho has an unconstitutional and unenforceable law restricting post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/idaho](http://www.ProChoiceAmerica.org/whodecides/idaho)

# ILLINOIS

## Illinois Political Information

### EXECUTIVE

Governor Rod Blagojevich (D) is *pro-choice*.

### LEGISLATURE

The Illinois Senate is *mixed-choice*.

The Illinois House is *mixed-choice*.

## Illinois Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Illinois' Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Illinois has an unconstitutional and unenforceable criminal ban on abortion.

### COUNSELING BAN/GAG RULE

Illinois prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Illinois restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Illinois law includes a strongly anti-choice policy statement.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Illinois allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Illinois has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental notice.

### SPOUSAL CONSENT

Illinois has an unconstitutional and unenforceable law mandating spousal consent before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Illinois subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Illinois law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Illinois allows some women greater access to emergency contraception (EC).

### GUARANTEED ACCESS TO PRESCRIPTIONS

Illinois guarantees that women's birth control prescriptions will be filled.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Illinois provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Illinois provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## GRADE

# B-

## ACCESS FACT

**92 percent** of Illinois counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE CONSTITUTIONAL PROTECTION

Illinois' constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Illinois restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/illinois](http://www.ProChoiceAmerica.org/whodecides/illinois)

# INDIANA

GRADE

# F

ACCESS FACT

**93** percent of Indiana counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Indiana Political Information

### EXECUTIVE

Governor Mitch Daniels (R) is *anti-choice*.

### LEGISLATURE

The Indiana Senate is *anti-choice*.  
The Indiana House is *mixed-choice*.

## Indiana Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Indiana's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Indiana has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Indiana law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Indiana prohibits certain state employees or organizations receiving state funds from advocating for or promoting abortion services.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Indiana allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Indiana restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Indiana law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Indiana subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### STATE CONSTITUTIONAL PROTECTION

Indiana's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Indiana restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/indiana](http://www.ProChoiceAmerica.org/whodecides/indiana)

# IOWA

## Iowa Political Information

### EXECUTIVE

Governor Chet Culver (D) is *pro-choice*.

### LEGISLATURE

The Iowa Senate is *pro-choice*.

The Iowa House is *pro-choice*.

## Iowa Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Iowa's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Iowa has an unconstitutional and unenforceable criminal ban on abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Iowa allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Iowa restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Iowa law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Iowa prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Iowa law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Iowa provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Iowa restricts post-viability abortions.

## GRADE

# C+

## ACCESS FACT

**93 percent** of Iowa counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/iowa](http://www.ProChoiceAmerica.org/whodecides/iowa)

# KANSAS

## GRADE

# D-

## ACCESS FACT

**96** percent of Kansas counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Kansas Political Information

### EXECUTIVE

Governor Kathleen Sebelius (D) is *pro-choice*.

### LEGISLATURE

The Kansas Senate is *anti-choice*.

The Kansas House is *anti-choice*.

## Kansas Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Kansas' Who Decides? web page.*

## Anti-Choice Laws

### BIASED COUNSELING & MANDATORY DELAY

Kansas law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Kansas prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### PUBLIC FACILITIES RESTRICTION

Kansas prohibits the use of some public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Kansas allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Kansas restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Kansas law restricts young women's access to abortion services by mandating parental notice.

## Pro-Choice Laws

### PROTECTION AGAINST CLINIC VIOLENCE

Kansas law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Kansas restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/kansas](http://www.ProChoiceAmerica.org/whodecides/kansas)

# KENTUCKY

## Kentucky Political Information

### EXECUTIVE

Governor Steve Beshear (D) is *mixed-choice*.

### LEGISLATURE

The Kentucky Senate is *anti-choice*.

The Kentucky House is *anti-choice*.

## Kentucky Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Kentucky's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Kentucky has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Kentucky has a partially unenforceable law that subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Kentucky prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Kentucky restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Kentucky law includes a strongly anti-choice policy statement.

### PUBLIC FACILITIES RESTRICTION

Kentucky prohibits the use of all public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Kentucky allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Kentucky restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Kentucky law restricts young women's access to abortion services by mandating parental consent.

### SPOUSAL NOTICE

Kentucky has an unconstitutional and unenforceable law mandating spousal notice before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Kentucky subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Kentucky restricts post-viability abortions.

## GRADE

# F

## ACCESS FACT

**98** percent of Kentucky counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/kentucky](http://www.ProChoiceAmerica.org/whodecides/kentucky)

# LOUISIANA

GRADE

F

ACCESS FACT

**92 percent** of Louisiana counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Louisiana restricts post-viability abortions.

## Louisiana Political Information

### EXECUTIVE

Governor Bobby Jindal (R) is *anti-choice*.

### LEGISLATURE

The Louisiana Senate is *anti-choice*.

The Louisiana House is *anti-choice*.

## Louisiana Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Louisiana's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Louisiana bans a safe abortion procedure, has an unconstitutional and unenforceable near-total criminal ban on abortion, and has a near-total criminal ban on abortion that would take effect if *Roe v. Wade* is overturned.

### BIASED COUNSELING & MANDATORY DELAY

Louisiana law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Louisiana prohibits certain state employees or organizations receiving state funds from referring for abortion services.

### OTHER ANTI-CHOICE LAW

Louisiana law includes a strongly anti-choice policy statement.

### PUBLIC FACILITIES RESTRICTION

Louisiana prohibits the use of all public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Louisiana allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Louisiana restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Louisiana law restricts young women's access to abortion services by mandating parental consent.

### SPOUSAL CONSENT

Louisiana has an unconstitutional and unenforceable law mandating spousal consent before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Louisiana subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Louisiana provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

[www.ProChoiceAmerica.org/whodecides/louisiana](http://www.ProChoiceAmerica.org/whodecides/louisiana)

# MAINE

## Maine Political Information

### EXECUTIVE

Governor John Baldacci (D) is *pro-choice*.

### LEGISLATURE

The Maine Senate is *pro-choice*.

The Maine House is *pro-choice*.

## Maine Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Maine's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Maine allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Maine restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Maine restricts young women's access to abortion by requiring parental consent for some young women and mandating counseling before a young woman may have an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Maine prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Maine law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Maine allows some women greater access to emergency contraception (EC).

### FREEDOM OF CHOICE ACT

Maine has an affirmative right to choose in its state law.

### GUARANTEED ACCESS TO PRESCRIPTIONS

Maine guarantees that women's birth control prescriptions will be filled.

### PROTECTION AGAINST CLINIC VIOLENCE

Maine law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### INFORMED CONSENT

Maine has an abortion-specific informed consent law.

### POST-VIABILITY ABORTION RESTRICTION

Maine restricts post-viability abortions.

## GRADE

# A

## ACCESS FACT

**63 percent** of Maine counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/maine](http://www.ProChoiceAmerica.org/whodecides/maine)

# MARYLAND

## GRADE

# A

## ACCESS FACT

**58** percent of Maryland counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## Maryland Political Information

### EXECUTIVE

Governor Martin O'Malley (D) is *pro-choice*.

### LEGISLATURE

The Maryland Senate is *mixed-choice*.  
The Maryland House of Delegates is *pro-choice*.

## Maryland Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Maryland's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Maryland allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Maryland law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Maryland prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Maryland law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Maryland allows some women greater access to emergency contraception (EC).

### FREEDOM OF CHOICE ACT

Maryland has an affirmative right to choose in its state law.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Maryland provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Maryland provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

Maryland law protects women seeking reproductive health care and medical personnel from blockades and violence.

[www.ProChoiceAmerica.org/whodecides/maryland](http://www.ProChoiceAmerica.org/whodecides/maryland)

# MASSACHUSETTS

## Massachusetts Political Information

### EXECUTIVE

Governor Deval Patrick (D) is *pro-choice*.

### LEGISLATURE

The Massachusetts Senate is *pro-choice*.

The Massachusetts House is *pro-choice*.

## Massachusetts Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Massachusetts' Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Massachusetts has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Massachusetts has a partially unconstitutional and unenforceable law that subjects women seeking abortions to biased counseling requirements and mandatory delays.

### INSURANCE PROHIBITION FOR ABORTION

Massachusetts restricts insurance coverage of abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Massachusetts allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Massachusetts law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Massachusetts prohibits certain qualified health care professionals from performing abortions, and has an unconstitutional and unenforceable law that subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Massachusetts law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Massachusetts allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Massachusetts provides low-income women access to abortion.

### PROTECTION AGAINST CLINIC VIOLENCE

Massachusetts law protects women seeking reproductive health care and medical personnel from harassment, blockades, and violence.

### STATE CONSTITUTIONAL PROTECTION

Massachusetts' constitution provides greater protection for a woman's right to choose than the federal Constitution.

## GRADE

# B-

## ACCESS FACT

**14 percent** of Massachusetts counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Massachusetts restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/massachusetts](http://www.ProChoiceAmerica.org/whodecides/massachusetts)

# MICHIGAN

GRADE

F

ACCESS FACT

**83 percent** of Michigan counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Michigan Political Information

### EXECUTIVE

Governor Jennifer Granholm (D) is *pro-choice*.

### LEGISLATURE

The Michigan Senate is *anti-choice*.

The Michigan House is *anti-choice*.

## Michigan Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Michigan's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Michigan has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Michigan has a partially unconstitutional and unenforceable law that subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Michigan prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Michigan allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Michigan restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Michigan law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Michigan subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Michigan law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Michigan provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

Michigan law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Michigan restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/michigan](http://www.ProChoiceAmerica.org/whodecides/michigan)

# MINNESOTA

## Minnesota Political Information

### EXECUTIVE

Governor Tim Pawlenty (R) is *anti-choice*.

### LEGISLATURE

The Minnesota Senate is *pro-choice*.  
The Minnesota House is *mixed-choice*.

## Minnesota Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Minnesota's Who Decides? web page.*

## Anti-Choice Laws

### BIASED COUNSELING & MANDATORY DELAY

Minnesota law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Minnesota prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Minnesota allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Minnesota law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Minnesota subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

Minnesota allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Minnesota provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Minnesota provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

Minnesota law protects women seeking reproductive health care and medical personnel from blockades and violence.

### STATE CONSTITUTIONAL PROTECTION

Minnesota's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Minnesota has an unconstitutional and unenforceable law restricting post-viability abortions.

## GRADE

C+

## ACCESS FACT

**95** percent of Minnesota counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# MISSISSIPPI

## GRADE

# F

## ACCESS FACT

**99** percent of Mississippi counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Mississippi Political Information

### EXECUTIVE

Governor Haley Barbour (R) is *anti-choice*.

### LEGISLATURE

The Mississippi Senate is *anti-choice*.

The Mississippi House is *anti-choice*.

## Mississippi Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Mississippi's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Mississippi has unconstitutional and unenforceable criminal bans on abortion, and has a near-total criminal ban on abortion that would take effect if *Roe v. Wade* is overturned.

### BIASED COUNSELING & MANDATORY DELAY

Mississippi law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Mississippi prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Mississippi restricts insurance coverage of abortion.

### PUBLIC FACILITIES RESTRICTION

Mississippi prohibits the use of public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Mississippi allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Mississippi restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Mississippi law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Mississippi subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Mississippi provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

[www.ProChoiceAmerica.org/whodecides/mississippi](http://www.ProChoiceAmerica.org/whodecides/mississippi)

# MISSOURI

## Missouri Political Information

### EXECUTIVE

Governor Jay Nixon (R) is *mixed-choice*.

### LEGISLATURE

The Missouri Senate is *anti-choice*.

The Missouri House is *anti-choice*.

## Missouri Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Missouri's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Missouri bans a safe abortion procedure.

### BIASED COUNSELING & MANDATORY DELAY

Missouri law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Missouri prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Missouri restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Missouri law includes a strongly anti-choice policy statement.

### PUBLIC FACILITIES AND PUBLIC EMPLOYEES RESTRICTION

Missouri prohibits the use of all public facilities and public employees for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Missouri allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Missouri restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Missouri law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Missouri subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Missouri law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Missouri provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Missouri restricts post-viability abortions.

## GRADE

# F

## ACCESS FACT

**96** percent of Missouri counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# MONTANA

## GRADE

# A-

## ACCESS FACT

**91** percent of Montana counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## Montana Political Information

### EXECUTIVE

Governor Brian Schweitzer (D) is *pro-choice*.

### LEGISLATURE

The Montana Senate is *anti-choice*.

The Montana House is *mixed-choice*.

## Montana Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Montana's Who Decides? web page.*

## Anti-Choice Laws

### BIASED COUNSELING & MANDATORY DELAY

Montana has an unconstitutional and unenforceable law that subjects women seeking abortions to biased counseling requirements and mandatory delays.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Montana allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Montana has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental notice.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Montana law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Montana provides low-income women access to abortion.

### PROTECTION AGAINST CLINIC VIOLENCE

Montana law protects women seeking reproductive health care and medical personnel from blockades and violence.

### STATE CONSTITUTIONAL PROTECTION

Montana's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Montana restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/montana](http://www.ProChoiceAmerica.org/whodecides/montana)

# NEBRASKA

## Nebraska Political Information

### EXECUTIVE

Governor Dave Heineman (R) is *anti-choice*.

### LEGISLATURE

The Nebraska Legislature is *anti-choice*.

## Nebraska Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Nebraska's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Nebraska has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Nebraska law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Nebraska prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Nebraska restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Nebraska law includes a strongly anti-choice policy statement.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Nebraska allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Nebraska restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Nebraska law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Nebraska prohibits certain qualified health care professionals from performing abortions.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Nebraska restricts post-viability abortions.

## GRADE

# F

## ACCESS FACT

**97** percent of Nebraska counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/nebraska](http://www.ProChoiceAmerica.org/whodecides/nebraska)

# NEVADA

## GRADE

# A-

## ACCESS FACT

**88** percent of Nevada counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Nevada Political Information

### EXECUTIVE

Governor Jim Gibbons (R) is *anti-choice*.

### LEGISLATURE

The Nevada Senate is *mixed-choice*.  
The Nevada Assembly is *mixed-choice*.

## Nevada Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Nevada's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Nevada allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Nevada restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Nevada has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Nevada law subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Nevada law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### FREEDOM OF CHOICE ACT

Nevada has an affirmative right to choose in its state law.

### GUARANTEED ACCESS TO PRESCRIPTIONS

Nevada guarantees that women's birth control prescriptions will be filled.

### PROTECTION AGAINST CLINIC VIOLENCE

Nevada law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### INFORMED CONSENT

Nevada has an abortion-specific informed consent law.

### POST-VIABILITY ABORTION RESTRICTION

Nevada restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/nevada](http://www.ProChoiceAmerica.org/whodecides/nevada)

# NEW HAMPSHIRE

## New Hampshire Political Information

### EXECUTIVE

Governor John Lynch (D) is *pro-choice*.

### LEGISLATURE

The New Hampshire Senate is *pro-choice*.

The New Hampshire House is *pro-choice*.

## New Hampshire Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit New Hampshire's Who Decides? web page.*

## Anti-Choice Laws

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

New Hampshire restricts low-income women's access to abortion.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

New Hampshire law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

New Hampshire allows some women greater access to emergency contraception (EC).

### GRADE

# A<sup>-</sup>

### ACCESS FACT

**50** percent of New Hampshire counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

### STATE AFFILIATE

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# NEW JERSEY

## GRADE

# A<sup>-</sup>

## ACCESS FACT

**19** percent of New Jersey counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## New Jersey Political Information

### EXECUTIVE

Governor Jon Corzine (D) is *pro-choice*.

### LEGISLATURE

The New Jersey Senate is *pro-choice*.

The New Jersey General Assembly is *pro-choice*.

## New Jersey Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit New Jersey's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

New Jersey has an unconstitutional and unenforceable criminal ban on abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

New Jersey allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

New Jersey has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

New Jersey law subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

New Jersey law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

New Jersey allows some women greater access to emergency contraception (EC).

### GUARANTEED ACCESS TO PRESCRIPTIONS

New Jersey law guarantees that women's birth control prescriptions will be filled.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

New Jersey provides low-income women access to abortion.

### STATE CONSTITUTIONAL PROTECTION

New Jersey's constitution provides greater protection for a woman's right to choose than the federal Constitution.

[www.ProChoiceAmerica.org/whodecides/newjersey](http://www.ProChoiceAmerica.org/whodecides/newjersey)

# NEW MEXICO

## New Mexico Political Information

### EXECUTIVE

Governor Bill Richardson (D) is *pro-choice*.

### LEGISLATURE

The New Mexico Senate is *mixed-choice*.

The New Mexico House is *pro-choice*.

## New Mexico Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit New Mexico's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

New Mexico has an unconstitutional and unenforceable criminal ban on abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

New Mexico allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

New Mexico has an unconstitutional and unenforceable law that restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

New Mexico prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

New Mexico law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

New Mexico allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

New Mexico provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

New Mexico provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### STATE CONSTITUTIONAL PROTECTION

New Mexico's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

New Mexico restricts post-viability abortions.

### GRADE

# A<sup>-</sup>

### ACCESS FACT

**88** percent of New Mexico counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

### STATE AFFILIATE

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# NEW YORK

## GRADE

# A-

## ACCESS FACT

**40** percent of New York counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## New York Political Information

### EXECUTIVE

Governor David Paterson (D) is *pro-choice*.

### LEGISLATURE

The New York Senate is *mixed-choice*.

The New York Assembly is *pro-choice*.

## New York Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit New York's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

New York allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

New York prohibits certain qualified health care professionals from performing abortions, and has an unconstitutional and unenforceable law that subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

New York law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

New York allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

New York provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

New York provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

New York law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

New York restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/newyork](http://www.ProChoiceAmerica.org/whodecides/newyork)

# NORTH CAROLINA

## North Carolina Political Information

### EXECUTIVE

Governor Beverly Perdue (D) is *pro-choice*.

### LEGISLATURE

The North Carolina Senate is *mixed-choice*.

The North Carolina House is *mixed-choice*.

## North Carolina Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit North Carolina's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

North Carolina allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

North Carolina restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

North Carolina law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

North Carolina subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

North Carolina law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

North Carolina provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

North Carolina law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

North Carolina restricts post-viability abortions.

## GRADE

# D<sup>+</sup>

## ACCESS FACT

**83** percent of North Carolina counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# NORTH DAKOTA

## GRADE

# F

## ACCESS FACT

**98 percent** of North Dakota counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## North Dakota Political Information

### EXECUTIVE

Governor John Hoeven (R) is *anti-choice*.

### LEGISLATURE

The North Dakota Senate is *anti-choice*.

The North Dakota House is *anti-choice*.

## North Dakota Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit North Dakota's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

North Dakota has an unconstitutional and unenforceable criminal ban on abortion, and has a near-total criminal ban on abortion that would take effect if *Roe v. Wade* is overturned.

### BIASED COUNSELING & MANDATORY DELAY

North Dakota law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

North Dakota has a partially unconstitutional and unenforceable law that prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

North Dakota restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

North Dakota law includes a strongly anti-choice policy statement.

### PUBLIC FACILITIES RESTRICTION

North Dakota prohibits the use of some public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

North Dakota allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

North Dakota restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

North Dakota law restricts young women's access to abortion services by mandating parental consent.

### SPOUSAL CONSENT

North Dakota has an unconstitutional and unenforceable law mandating spousal consent before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

North Dakota prohibits certain qualified health care professionals from performing abortions, and has an unconstitutional and unenforceable law that subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

North Dakota restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/northdakota](http://www.ProChoiceAmerica.org/whodecides/northdakota)

# OHIO

## Ohio Political Information

### EXECUTIVE

Governor Ted Strickland (D) is *mixed-choice*.

### LEGISLATURE

The Ohio Senate is *anti-choice*.

The Ohio House is *mixed-choice*.

## Ohio Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Ohio's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Ohio bans a safe abortion procedure.

### BIASED COUNSELING & MANDATORY DELAY

Ohio law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Ohio prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Ohio restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Ohio has an unconstitutional and unenforceable law that restricts access to mifepristone.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Ohio allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Ohio restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Ohio law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Ohio subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Ohio has an unconstitutional and unenforceable ban on post-viability abortions.

## GRADE

# F

## ACCESS FACT

**90** percent of Ohio counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# OKLAHOMA

## GRADE

# F

## ACCESS FACT

**96** percent of Oklahoma counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Oklahoma Political Information

### EXECUTIVE

Governor Brad Henry (D) is *mixed-choice*.

### LEGISLATURE

The Oklahoma Senate is *anti-choice*.

The Oklahoma House is *anti-choice*.

## Oklahoma Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Oklahoma's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Oklahoma has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Oklahoma law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Oklahoma prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Oklahoma restricts insurance coverage of abortion.

### PUBLIC FACILITIES AND EMPLOYEES RESTRICTION

Oklahoma prohibits the use of all public facilities and public employees for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Oklahoma allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Oklahoma restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Oklahoma law restricts young women's access to abortion services by mandating parental notice and consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Oklahoma prohibits certain qualified health care professionals from performing abortions, and has an unconstitutional and unenforceable law that subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

Oklahoma allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Oklahoma provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Oklahoma restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/oklahoma](http://www.ProChoiceAmerica.org/whodecides/oklahoma)

# OREGON

## Oregon Political Information

### EXECUTIVE

Governor Ted Kulongoski (D) is *pro-choice*.

### LEGISLATURE

The Oregon Senate is *pro-choice*.

The Oregon House is *pro-choice*.

## Oregon Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Oregon's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Oregon allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Oregon law requires health insurance plans that cover prescription drugs to provide equitable coverage for contraception.

### EMERGENCY CONTRACEPTION

Oregon allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Oregon provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Oregon provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### OTHER PRO-CHOICE LAW

Oregon law contains a policy position in support of the right to birth control.

### PROTECTION AGAINST CLINIC VIOLENCE

Oregon law protects women seeking reproductive health care and medical personnel from blockades and violence.

### STATE CONSTITUTIONAL PROTECTION

Oregon's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## GRADE

# A

## ACCESS FACT

**78** percent of Oregon counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# PENNSYLVANIA

GRADE

# F

ACCESS FACT

**78** percent of Pennsylvania counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Pennsylvania Political Information

### EXECUTIVE

Governor Edward Rendell (D) is *pro-choice*.

### LEGISLATURE

The Pennsylvania Senate is *anti-choice*.

The Pennsylvania House is *anti-choice*.

## Pennsylvania Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Pennsylvania's Who Decides? web page.*

## Anti-Choice Laws

### BIASED COUNSELING & MANDATORY DELAY

Pennsylvania law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Pennsylvania prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Pennsylvania restricts insurance coverage of abortion.

### OTHER ANTI-CHOICE LAW

Pennsylvania law includes a strongly anti-choice policy statement.

### PUBLIC FACILITIES RESTRICTION

Pennsylvania prohibits the use of some public facilities for the performance of abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Pennsylvania allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Pennsylvania restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Pennsylvania law restricts young women's access to abortion services by mandating parental consent.

### SPOUSAL NOTICE

Pennsylvania has an unconstitutional and unenforceable law mandating spousal notice before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Pennsylvania subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Pennsylvania provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Pennsylvania restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/pennsylvania](http://www.ProChoiceAmerica.org/whodecides/pennsylvania)

# RHODE ISLAND

## Rhode Island Political Information

### EXECUTIVE

Governor Donald Carcieri (R) is *anti-choice*.

### LEGISLATURE

The Rhode Island Senate is *anti-choice*.

The Rhode Island House is *anti-choice*.

## Rhode Island Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Rhode Island's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Rhode Island has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING

Rhode Island law subjects women seeking abortions to biased counseling requirements.

### INSURANCE PROHIBITION FOR ABORTION

Rhode Island restricts insurance coverage of abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Rhode Island allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Rhode Island restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Rhode Island law restricts young women's access to abortion services by mandating parental consent.

### SPOUSAL NOTICE

Rhode Island has an unconstitutional and unenforceable law mandating spousal notice before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Rhode Island subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Rhode Island law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Rhode Island provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Rhode Island restricts post-viability abortions.

## GRADE

# D<sup>+</sup>

## ACCESS FACT

**80 percent** of Rhode Island counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/rhodeisland](http://www.ProChoiceAmerica.org/whodecides/rhodeisland)

# SOUTH CAROLINA

GRADE

# F

ACCESS FACT

**91 percent** of South Carolina counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

South Carolina restricts post-viability abortions.

## South Carolina Political Information

### EXECUTIVE

Governor Mark Sanford (R) is *anti-choice*.

### LEGISLATURE

The South Carolina Senate is *mixed-choice*.

The South Carolina House is *mixed-choice*.

## South Carolina Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit South Carolina's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

South Carolina has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

South Carolina law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

South Carolina prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

South Carolina restricts insurance coverage of abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

South Carolina allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

South Carolina restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

South Carolina law restricts young women's access to abortion services by mandating parental consent.

### SPOUSAL CONSENT

South Carolina has an unconstitutional and unenforceable law mandating spousal consent before a married woman may obtain an abortion.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

South Carolina subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

South Carolina allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

South Carolina provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

[www.ProChoiceAmerica.org/whodecides/southcarolina](http://www.ProChoiceAmerica.org/whodecides/southcarolina)

# SOUTH DAKOTA

## South Dakota Political Information

### EXECUTIVE

Governor M. Michael Rounds (R) is *anti-choice*.

### LEGISLATURE

The South Dakota Senate is *anti-choice*.  
The South Dakota House is *anti-choice*.

## South Dakota Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit South Dakota's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

South Dakota has an unconstitutional and unenforceable criminal ban on abortion, and has a near-total criminal ban on abortion that would take effect if *Roe v. Wade* is overturned.

### BIASED COUNSELING & MANDATORY DELAY

South Dakota law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### REFUSAL TO PROVIDE MEDICAL SERVICES

South Dakota allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

South Dakota restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

South Dakota law restricts young women's access to abortion services by mandating parental notice.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

South Dakota subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

South Dakota restricts post-viability abortions.

## GRADE

# F

## ACCESS FACT

**98 percent** of South Dakota counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# TENNESSEE

## GRADE

# D<sup>+</sup>

## ACCESS FACT

**94 percent** of Tennessee counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Tennessee Political Information

### EXECUTIVE

Governor Phil Bredesen (D) is *mixed-choice*.

### LEGISLATURE

The Tennessee Senate is *anti-choice*.

The Tennessee House is *anti-choice*.

## Tennessee Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Tennessee's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Tennessee has an unconstitutional and unenforceable criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Tennessee has an unconstitutional and unenforceable law that subjects women seeking abortions to biased counseling requirements and mandatory delays.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Tennessee allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Tennessee restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Tennessee law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Tennessee prohibits certain qualified health care professionals from performing abortions, and has an unconstitutional and unenforceable law that subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### STATE CONSTITUTIONAL PROTECTION

Tennessee's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Tennessee restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/tennessee](http://www.ProChoiceAmerica.org/whodecides/tennessee)

# TEXAS

## Texas Political Information

### EXECUTIVE

Governor Rick Perry (R) is *anti-choice*.

### LEGISLATURE

The Texas Senate is *anti-choice*.

The Texas House is *anti-choice*.

## Texas Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Texas' Who Decides? web page.*

## Anti-Choice Laws

### BIASED COUNSELING & MANDATORY DELAY

Texas law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### PUBLIC FACILITIES AND EMPLOYEES RESTRICTION

Texas prohibits the use of public funds for the direct or indirect costs of most abortion services.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Texas allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Texas restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Texas law restricts young women's access to abortion services by mandating parental notice and consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Texas subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Texas provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Texas restricts post-viability abortions.

## GRADE

# F

## ACCESS FACT

**93 percent** of Texas counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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# UTAH

## GRADE

# F

## ACCESS FACT

**93 percent** of Utah counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## Utah Political Information

### EXECUTIVE

Governor Jon Huntsman, Jr. (R) is *anti-choice*.

### LEGISLATURE

The Utah Senate is *anti-choice*.  
The Utah House is *anti-choice*.

## Utah Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Utah's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Utah bans a safe abortion procedure, and has an unconstitutional and unenforceable near-total criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Utah law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### OTHER ANTI-CHOICE LAW

Utah law includes a strongly anti-choice policy statement.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Utah allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Utah restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Utah law restricts young women's access to abortion services by mandating parental notice and consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Utah subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Utah has an unconstitutional and unenforceable law restricting post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/utah](http://www.ProChoiceAmerica.org/whodecides/utah)

# VERMONT

## Vermont Political Information

### EXECUTIVE

Governor Jim Douglas (R) is *mixed-choice*.

### LEGISLATURE

The Vermont Senate is *pro-choice*.

The Vermont House is *pro-choice*.

## Vermont Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Vermont's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Vermont has an unconstitutional and unenforceable criminal ban on abortion.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Vermont law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Vermont allows some women greater access to emergency contraception (EC).

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Vermont provides low-income women access to abortion.

### STATE CONSTITUTIONAL PROTECTION

Vermont's constitution provides greater protection for a woman's right to choose than the federal Constitution.

## GRADE

# A<sup>-</sup>

## ACCESS FACT

**43** percent of Vermont counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

[www.ProChoiceAmerica.org/whodecides/vermont](http://www.ProChoiceAmerica.org/whodecides/vermont)

# VIRGINIA

## GRADE

# F

## ACCESS FACT

**86 percent** of Virginia counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## Virginia Political Information

### EXECUTIVE

Governor Tim Kaine (D) is *mixed-choice*.

### LEGISLATURE

The Virginia Senate is *mixed-choice*.

The Virginia House of Delegates is *anti-choice*.

## Virginia Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Virginia's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Virginia has an unconstitutional and unenforceable ban on a safe abortion procedure.

### BIASED COUNSELING & MANDATORY DELAY

Virginia law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Virginia prohibits certain state employees or organizations receiving state funds from referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Virginia restricts insurance coverage of abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Virginia allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Virginia restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Virginia law restricts young women's access to abortion services by mandating parental notice and consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Virginia law subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Virginia provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Virginia restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/virginia](http://www.ProChoiceAmerica.org/whodecides/virginia)

# WASHINGTON

## Washington Political Information

### EXECUTIVE

Governor Christine Gregoire (D) is *pro-choice*.

### LEGISLATURE

The Washington Senate is *pro-choice*.

The Washington House is *pro-choice*.

## Washington Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Washington's Who Decides? web page.*

## Anti-Choice Laws

### REFUSAL TO PROVIDE MEDICAL SERVICES

Washington allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Washington prohibits certain qualified health care professionals from performing abortions.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Washington law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Washington allows some women greater access to emergency contraception (EC).

### FREEDOM OF CHOICE ACT

Washington has an affirmative right to choose in its state law.

### GUARANTEED ACCESS TO PRESCRIPTIONS

Washington has an unenforceable rule that requires pharmacists to dispense women's birth control.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

Washington provides low-income women access to abortion.

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Washington provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

Washington law protects women seeking reproductive health care and medical personnel from blockades and violence.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Washington restricts post-viability abortions.

## GRADE

# A<sup>+</sup>

## ACCESS FACT

**67** percent of Washington counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

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# WEST VIRGINIA

## GRADE

# B

## ACCESS FACT

**96 percent** of West Virginia counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## West Virginia Political Information

### EXECUTIVE

Governor Joe Manchin (D) is *anti-choice*.

### LEGISLATURE

The West Virginia Senate is *mixed-choice*.

The West Virginia House of Delegates is *mixed-choice*.

## West Virginia Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit West Virginia's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

West Virginia has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING & MANDATORY DELAY

West Virginia law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### REFUSAL TO PROVIDE MEDICAL SERVICES

West Virginia allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

West Virginia law restricts young women's access to abortion services by mandating parental notice.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

West Virginia law requires health insurance plans that cover prescription drugs to provide the same coverage for contraception.

### LOW-INCOME WOMEN'S ACCESS TO ABORTION

West Virginia provides low-income women access to abortion.

### STATE CONSTITUTIONAL PROTECTION

West Virginia's constitution provides greater protection for a woman's right to choose than the federal Constitution.

[www.ProChoiceAmerica.org/whodecides/westvirginia](http://www.ProChoiceAmerica.org/whodecides/westvirginia)

# WISCONSIN

## Wisconsin Political Information

### EXECUTIVE

Governor Jim Doyle (D) is *pro-choice*.

### LEGISLATURE

The Wisconsin Senate is *pro-choice*.

The Wisconsin Assembly is *mixed-choice*.

## Wisconsin Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Wisconsin's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Wisconsin has unconstitutional and unenforceable criminal bans on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Wisconsin law subjects women seeking abortions to biased counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Wisconsin prohibits certain state employees or organizations receiving state funds from counseling or referring women for abortion services.

### INSURANCE PROHIBITION FOR ABORTION

Wisconsin restricts insurance coverage of abortion.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Wisconsin allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Wisconsin restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Wisconsin law restricts young women's access to abortion services by mandating parental consent.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Wisconsin subjects abortion providers to burdensome restrictions not applied to other medical professionals.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Wisconsin law requires employers that provide insurance coverage for prescription drugs to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Wisconsin allows some women greater access to emergency contraceptive (EC).

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Wisconsin provides certain low-income women increased coverage for Medicaid-funded reproductive health care services.

### PROTECTION AGAINST CLINIC VIOLENCE

Wisconsin law protects women seeking reproductive health care and medical personnel from blockades and violence.

## GRADE

# D<sup>+</sup>

## ACCESS FACT

**93** percent of Wisconsin counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

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## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Wisconsin restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/wisconsin](http://www.ProChoiceAmerica.org/whodecides/wisconsin)

# WYOMING

## GRADE

# D

## ACCESS FACT

**96** percent of Wyoming counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

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## Wyoming Political Information

### EXECUTIVE

Governor Dave Freudenthal (D) is *mixed-choice*.

### LEGISLATURE

The Wyoming Senate is *mixed-choice*.  
The Wyoming House is *anti-choice*.

## Wyoming Laws in Brief

*This information is current as of November 30, 2008. For up-to-date information and detailed summaries, please visit Wyoming's Who Decides? web page.*

## Anti-Choice Laws

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Wyoming prohibits certain qualified health care professionals from performing abortions.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Wyoming allows certain individuals or entities to refuse to provide women specific reproductive health services, information, or referrals.

### RESTRICTIONS ON LOW-INCOME WOMEN'S ACCESS TO ABORTION

Wyoming restricts low-income women's access to abortion.

### RESTRICTIONS ON YOUNG WOMEN'S ACCESS TO ABORTION

Wyoming law restricts young women's access to abortion services by mandating parental notice and consent.

## Pro-Choice Laws

### LOW-INCOME WOMEN'S ACCESS TO FAMILY PLANNING

Wyoming provides certain low-income women increased coverage for Medicaid-funded reproductive health services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Wyoming restricts post-viability abortions.

[www.ProChoiceAmerica.org/whodecides/wyoming](http://www.ProChoiceAmerica.org/whodecides/wyoming)

The background is a solid green color with a stylized, lighter green silhouette of the Statue of Liberty's face and crown. The face is shown in profile, looking slightly upwards and to the right. The crown has several pointed rays extending outwards. The word "CONCLUSION" is centered in the upper half of the image in a white, bold, sans-serif font.

# CONCLUSION

# METHODOLOGY

## GENERAL METHODOLOGY

NARAL Pro-Choice America Foundation has supporting documentation for statements of fact made in *Who Decides? The Status of Women's Reproductive Rights in the United States*. We do not cite all the letters, notes, emails, records of telephone interviews, and faxed information in the publication itself, but we maintain such documentation in NARAL Pro-Choice America Foundation's offices.

**ACCESS FACTS:** The number of abortion providers and analysis of census data was supplied by the Guttmacher Institute (2004–2005 Guttmacher Abortion Provider Survey and U.S. Census population counts as of April 1, 2005).

**STATE LEGISLATIVE INFORMATION:** This report uses the term "legislative measures" to refer to bills, independently operative sections of bills, and resolutions (resolutions frequently express the sentiment of the legislature but do not create new legal requirements). The phrase "measures enacted" thus refers to statutes and resolutions adopted by the legislature. The term "considered" refers to bills that were introduced in a legislative session, as well as those carried over from a previous legislative session. "Laws" refers to constitutional provisions, statutes, regulations, court decisions, and opinions of state attorneys general.

NARAL Pro-Choice America keeps memoranda on the criteria used for this report's count of legislative measures. In addition to the types of laws that are highlighted in *Who Decides?*, the anti-choice counts include a variety of other anti-choice measures, including but not limited to providing "Choose Life" license plates, funding anti-choice "crisis pregnancy centers," mandating unproven abstinence-only programs, and granting legal status to embryos and fetuses separate from pregnant women. The pro-choice counts include but are not limited to measures designed to ameliorate anti-choice laws or actions (e.g. requiring "crisis pregnancy centers" to disclose anti-choice bias); various measures designed to improve reproductive health through research, education, or improved access; measures to support healthy childbearing; and measures to require scientific and medical accuracy in sex education. We have far more

information on state legislative activity than we include in *Who Decides?* For information about bills pending in your state, please visit our Bill Tracker webpage at [http://www.ProChoiceAmerica.org/choice-action-center/in\\_your\\_state/bill-tracker/index.html](http://www.ProChoiceAmerica.org/choice-action-center/in_your_state/bill-tracker/index.html). For further information, please contact the Policy Department.

## REPORT CARD METHODOLOGY

For 11 years, *Who Decides?* has used a state ranking system to capture the cumulative burdens each state imposes on access to reproductive health care. The ranking system adds points for anti-choice restrictions on abortion and other aspects of reproductive health care, and subtracts points for pro-choice laws. The ranking system penalizes most heavily the laws imposing greater burdens on women. Likewise, its demerits fall most heavily on laws that are enforced, rather than laws that courts have declared invalid. A detailed analysis of the report card methodology appears below. The nationwide grade reflects not only state restrictions on the right to choose, but also federal anti-choice measures including the Federal Abortion Ban and the Federal Refusal Clause, signed into law by President Bush in 2003 and 2004, respectively.

### Abortion Ban(s) (+ up to 90 points)

Points were added based on the point in pregnancy when the ban(s) begin and the exceptions included in the ban(s). Separate points were added for ban(s) whose effective dates would be triggered if the Supreme Court overturns *Roe v. Wade*.

### Biased Counseling & Mandatory Delays

#### (+ up to 25 points)

Points were added based on the length of the waiting period; whether multiple trips are required; whether a physician is required personally to provide specified information; whether the woman must receive state-prepared materials; and whether the woman must receive other information, oral or written, that contains information beyond risks, benefits, and alternatives. If a state simply has an abortion-specific informed consent law that does not require biased counseling or a mandatory delay, no points were added.

# METHODOLOGY

## **Contraceptive Equity (- up to 20 points)**

Points were subtracted if a state requires health insurance plans to cover contraceptives to the same extent that they cover other prescription drugs; fewer points were subtracted if the law has an overly broad refusal clause or requires an insurer only to offer and make available such coverage but not include it in every plan.

## **Counseling Ban/Gag Rule (+ up to 10 points)**

Points were added based on whether the ban applies to counseling and/or referring; whether the ban applies to all or some public funds or employees; and the exceptions included in the ban.

## **Emergency Contraception (- up to 25 points)**

Points were subtracted based on whether the state allows sexual-assault survivors greater access to EC in emergency rooms (ER) (receiving EC in the ER and/or receiving information about EC in the ER), whether the state's Medicaid program covers over-the-counter EC, and whether pharmacists are allowed to dispense emergency contraception (EC) to a woman without a prescription through a law specific to EC or one that permits collaborative therapy agreements generally and includes EC (these laws were in place before the FDA approved EC for over-the-counter sales and still provide greater access in some states, particularly to young women who are excluded from the FDA's ruling).

## **Freedom of Choice Act (- 55 points)**

Points were subtracted if a state provides an affirmative right to choose abortion prior to viability without government interference.

## **Guaranteed Access to Prescriptions (- 10 points)**

Points were subtracted based on whether a state explicitly guarantees a woman's right to have her birth control prescription filled.

## **Insurance Prohibition for Abortion (+ up to 10 points)**

Points were added based on whether the law prohibits insurance coverage for abortion for all or some public funds or employees; whether the law prohibits abortion coverage unless an extra premium is paid; whether the law requires insurers to provide a policy alternative excluding abortion; and the exceptions included in the law.

## **Low-Income Women's Access to Abortion (and Restrictions on Low-Income Women's Access to Abortion) (+ up to 25 points)**

Points were added based on the circumstances under which the state medical assistance program funds abortion services: only to preserve the woman's life; only in cases of rape, incest, or life endangerment; or in cases of rape, incest, life endangerment, and limited health circumstances. If a state medical assistance program funds abortion care in all or most circumstances, no points were added.

## **Low-Income Women's Access to Family Planning (- 5 points)**

Points were subtracted if the state provides increased coverage for Medicaid-covered reproductive health care services through the receipt of a federal Medicaid waiver. A state that applies for and receives a waiver is generally allowed to increase eligibility for Medicaid family planning services and/or improve the quality of those services for a specific period of time. The duration, eligibility requirements, and covered services provided by each state's waiver vary from state to state.

## **Other Anti- or Pro-Choice Law (+/- up to 25 points)**

Points were added if a state has codified a choice-related public policy position, or has imposed another significant restriction on or protection for a woman's right to choose that does not fall within existing *Who Decides?* issue areas.

## **Post-Viability Abortion Restriction (+ up to 10 points)**

If a post-viability abortion restriction contains adequate life and health exceptions and does not define viability as occurring at a particular point in pregnancy, no points were added. Points were added based on the lack of or the inadequacy of the health exception and if the state defines viability as occurring at a particular point in every pregnancy.

# METHODOLOGY

## **Protection Against Clinic Violence (- up to 15 points)**

Points were subtracted based on whether the law prohibits interference with entry or exit to a facility; physical invasion of the facility including trespass, property damage, arson, and bombing; excessive noise, odors, or telephone calls; and threats, including weapon possession at demonstrations. Points were also subtracted if the law creates a buffer zone, and/or permits injunctive relief.

## **Public Facilities and Public Employees Restriction(s) (+ up to 20 points)**

Points were added based on whether all or some public employees and/or facilities are prohibited from performing abortions and the exceptions included in the law.

## **Refusal to Provide Medical Services (+ up to 20 points)**

Points were added based on whether the law applies to abortion, insurance coverage for contraception, family planning/birth control, sterilization, individual health care instructions, or prescriptions.

## **Restrictions on Young Women's Access to Abortion (+ up to 25 points)**

Points were added based on whether consent or notice is required before a minor may obtain an abortion, whose consent or notice is required, whether there is a physician bypass, whether the judicial bypass procedure is adequate, whether there is a waiting period, and the exceptions included in the law.

## **Spousal Consent/Notice (+ up to 10 points)**

Points were added based on whether spousal consent or notice is required.

## **State Constitutional Protection (- up to 20 points)**

Points were subtracted if a state constitution protects the right to choose beyond the federal Constitution, and whether state constitutional protection prevents imposition of almost all restrictions on the right to choose or whether it allows some substantial restrictions.

## **Targeted Regulation of Abortion Providers (TRAP) (+ up to 30 points)**

Points were added to represent the totality of TRAP laws imposed, with a possibility of 25, 15, or 5 points per state. That number includes consideration of whether the laws are in effect. Laws considered TRAP include those that impose burdensome administrative and physical plant requirements on abortion providers, as well as those that limit the performance of abortion services to specialized facilities. Five points were also added if a state restricts the provision of abortion care to physicians. (Because of the breadth of TRAP laws, we have included in the summaries only select examples that illustrate the burdens these measures impose on abortion providers. NARAL Pro-Choice America Foundation maintains a list of each state's TRAP laws.)

*For all categories except TRAP: A standard deduction of 80 percent was taken if the law is enjoined or otherwise unconstitutional and/or unenforceable, and a smaller, variable percentage was taken if the law is partially enjoined or only some aspects are unenforceable.*

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## DISCLAIMER

*Who Decides? The Status of Women's Reproductive Rights in the United States* is strictly for informational purposes and does not constitute legal services or representation. For legal advice, a practicing attorney who has a thorough knowledge of current law in the state or locality and who is informed about all relevant details of the situation should be consulted.

NARAL Pro-Choice America Foundation does not guarantee the accuracy of the contents of this book. Laws change, often rapidly, and interpretations of statutes may vary. Legislation may have been introduced or acted upon, or cases decided, after the date this book went to press. Systematic bill- and case-tracking concluded on October 31, 2008.

NARAL Pro-Choice America Foundation hereby specifically disclaims any liability for loss incurred as a consequence of the use of any material in this book.

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## NARAL PRO-CHOICE AMERICA FOUNDATION MISSION STATEMENT

To support and protect, as a fundamental right and value, a woman's freedom to make personal decisions regarding the full range of reproductive choices through education, training, organizing, legal action, and public policy.

## NARAL PRO-CHOICE AMERICA DIVERSITY POLICY

NARAL Pro-Choice America is committed to using the political process to guarantee every woman the right to make personal decisions regarding the full range of reproductive health choices, including preventing unintended pregnancy, bearing healthy children, and choosing legal abortion. In order to fulfill this commitment, we will seek the input and meaningful participation of appropriate groups so that many voices will be represented and considered in our efforts to broaden and mobilize our constituency. In addition, NARAL Pro-Choice America will affirmatively recruit, employ, promote, and retain a diverse group of individuals.

We recognize that diversity in our programmatic work and at all levels of employment and throughout the organization, including our Board of Directors and affiliate network, is critical to achieving our mission and is consistent with our values as an organization. Therefore, we hold our executives and program managers accountable for acknowledging, accommodating, and advancing the changes needed to fully embrace the concept of diversity within our internal processes and our external programmatic efforts, including our campaign operations, grassroots organizing, and public policy initiatives. NARAL Pro-Choice America is an equal opportunity employer and does not discriminate on the basis of race, sex, ethnicity, religion, socioeconomic status, age, disability, national origin, sexual orientation, gender identity and expression, marital status, or political affiliation. We accept responsibility for creating an environment where all people are encouraged and able to participate fully and with respect.

# NOTES



# NOTES



# 2009 REPORT CARD

## ON WOMEN'S REPRODUCTIVE RIGHTS

NATIONWIDE GRADE: *D-*

|                 | GRADE | RANK |                | GRADE | RANK |
|-----------------|-------|------|----------------|-------|------|
| ALABAMA         | F     | 38   | MISSOURI       | F     | 48   |
| ALASKA          | B-    | 17   | MONTANA        | A-    | 11   |
| ARIZONA         | B-    | 19   | NEBRASKA       | F     | 39   |
| ARKANSAS        | F     | 40   | NEVADA         | A-    | 9    |
| CALIFORNIA      | A+    | 1    | NEW HAMPSHIRE  | A-    | 14   |
| COLORADO        | D+    | 24   | NEW JERSEY     | A-    | 9    |
| CONNECTICUT     | A     | 3    | NEW MEXICO     | A-    | 13   |
| DELAWARE        | C+    | 22   | NEW YORK       | A-    | 11   |
| WASHINGTON D.C. | B-    | 19   | NORTH CAROLINA | D+    | 26   |
| FLORIDA         | D     | 31   | NORTH DAKOTA   | F     | 50   |
| GEORGIA         | D     | 30   | OHIO           | F     | 43   |
| HAWAII          | A     | 4    | OKLAHOMA       | F     | 34   |
| IDAHO           | F     | 42   | OREGON         | A     | 6    |
| ILLINOIS        | B-    | 18   | PENNSYLVANIA   | F     | 45   |
| INDIANA         | F     | 35   | RHODE ISLAND   | D+    | 24   |
| IOWA            | C+    | 21   | SOUTH CAROLINA | F     | 36   |
| KANSAS          | D-    | 32   | SOUTH DAKOTA   | F     | 43   |
| KENTUCKY        | F     | 46   | TENNESSEE      | D+    | 27   |
| LOUISIANA       | F     | 51   | TEXAS          | F     | 37   |
| MAINE           | A     | 7    | UTAH           | F     | 47   |
| MARYLAND        | A     | 5    | VERMONT        | A-    | 8    |
| MASSACHUSETTS   | B-    | 16   | VIRGINIA       | F     | 41   |
| MICHIGAN        | F     | 33   | WASHINGTON     | A+    | 2    |
| MINNESOTA       | C+    | 22   | WEST VIRGINIA  | B     | 15   |
| MISSISSIPPI     | F     | 49   | WISCONSIN      | D+    | 27   |
|                 |       |      | WYOMING        | D+    | 29   |



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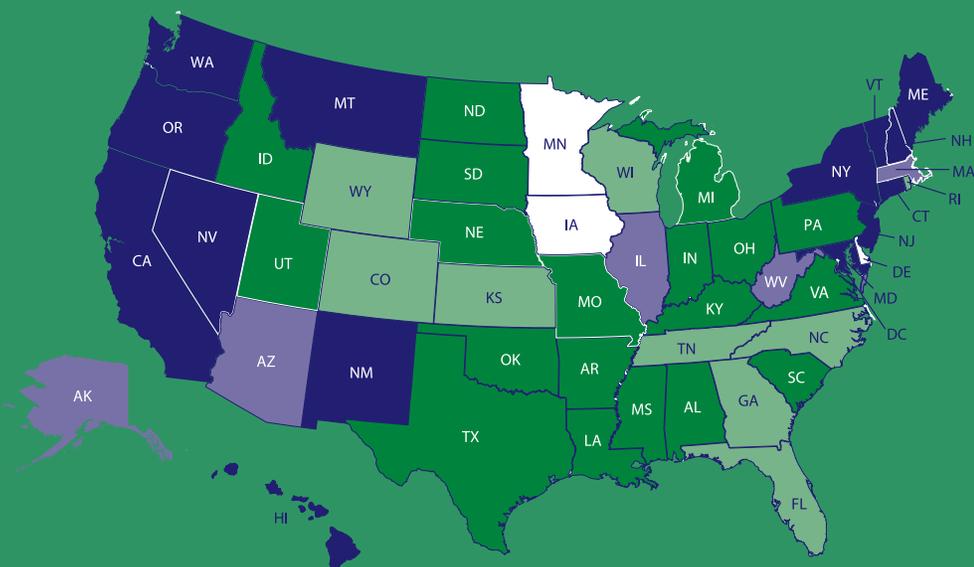
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“ In 1977, two semesters away from college graduation, I found myself pregnant. I was helping to support myself in school with work and scholarships, but I had no employment prospects adequate to support myself, let alone a child.”

“ The more I thought about it, I realized that **I was too young to have a baby.**”  
—RAPE SURVIVOR, AGE 14

“ I got pregnant from [both] my stepfather and my mother’s boyfriend. My mother totally denied incest had been happening since I was five...Not having two children enabled me to leave my home as soon as possible, at age 17, and go to school to try to **improve my life** and get off welfare.”

“ I don’t think my **future** would have been very good if I’d had a baby at 17...I was still trying to grow up myself.”

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“ **The best solution is education.** Young people must be taught about their bodies, their physical needs and most of all their responsibilities.”

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“ ...if legalized abortion is again made illegal, we shall go back to the old dangerous, filthy and contaminated backrooms of inexperienced lay people or unethical medical people carrying out the tried and crude ways of **illegal abortion with all its terrible consequences...**”  
—PHYSICIAN, PRE-ROE

“ The experience of having an illegal abortion was emotionally traumatic to me. I was given no anesthesia, and the procedure was very painful. I was frightened and did not even know if the person performing the abortion was a doctor.”



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