NARAL PRO-CHOICE AMERICA

REALITY OF ROE

WISCONSIN FACT SHEET

With an anti-choice majority now on the U.S. Supreme Court, the fate of *Roe* hangs in the balance and the fight to ensure women's access to safe and legal abortion will largely be determined at the state level. While some states have made great strides in expanding and protecting access to reproductive healthcare and abortion, many states have placed oppressive legal, procedural, or physical barriers in the way of women seeking care.

Women in Wisconsin have severely restricted access to abortion, making Wisconsin one of the states where it is hardest for women to receive abortion care and/or the right to an abortion is the least protected. State lawmakers should enact policies to expand and secure access to abortion in Wisconsin.

NARAL Pro-Choice America's **Reality of Roe** campaign aims to educate and mobilize people on the threats to *Roe v. Wade* and the critical opportunities to fight back. This fact sheet is a snapshot of the important policies in Wisconsin and around the country.

Overview of Wisconsin State Laws[1]

PROTECTION

NO

PROTECTED IN STATE LAW • 13 states
Legal protection of the right to abortion ensures the protections guaranteed in *Roe* become a part of state law. Women in states with these protections would have the right to legal abortion care, even if *Roe* is further eroded or outright overturned. A federal abortion ban post-*Roe* would impact these laws. States have such protections: CA, CT, DE, HI, IL, ME, MD, NV, NY, OR, RI, VT, and WA.

THREATS

NO

TRIGGER BAN • 8 states
A law that would impose a total criminal ban on abortion if *Roe* is overturned. States with such bans: AR, KY, LA, MS, MO, ND, SD, and TN.

YES

PRE-*ROE* CRIMINAL BAN • 9 states
A criminal ban on some or all abortion procedures enacted before *Roe v. Wade*. States with such bans: AL, AZ, AR, MI, MS, NM, OK, WV, and WI.

OTHER ABORTION BAN ATTEMPTS

While many states have passed unconstitutional legislative attempts to ban abortion, including banning abortion before many women know they are pregnant, these laws are not in force and are currently being challenged in the courts. If *Roe* is overturned, however, they would become the law in those states.

SINCE KAVANAUGH'S APPOINTMENT, STATES HAVE PASSED 26 BANS ON ABORTION

5 states have passed bans on abortion after six weeks: GA, KY, LA, MS, and OH.

5 states have passed other timing-based or procedure bans: AR, IN, MO, ND, and UT.

1 state has passed a total ban on abortion: AL

Existing Barriers to Access

While the constitutional right to abortion is still legally protected through *Roe*, the actual lived experience of women in this country is far more complex and varied.

Women in many states are facing dire barriers to care, and while some states have made great strides in expanding and protecting access, no state has achieved complete access.

Every woman has a right to access essential healthcare, including abortion, no matter her zip code, her health insurance, or how much is in her bank account.

ABORTION ACCESS IN WISCONSIN*

MEDICAID COVERAGE OF ABORTION[2]

Only covers abortions in cases of life endangerment, rape, incest, and physical health.

96% **COUNTIES WITHOUT A CLINIC[3]**

67% **WOMEN LIVING IN COUNTIES WITHOUT A CLINIC[3]**

AVERAGE COST OF AN ABORTION NATIONALLY[4]

$508

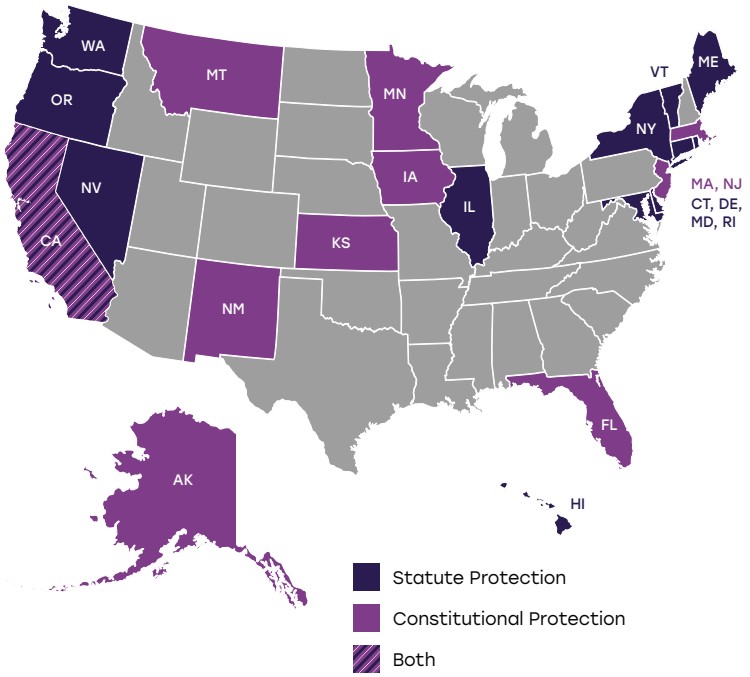
In a non-hospital setting at 10 weeks' gestation and with local anesthesia*

$535

Early medication abortion (up to 9 weeks' gestation)*

*GUTTMACHER INSTITUTE, 2014

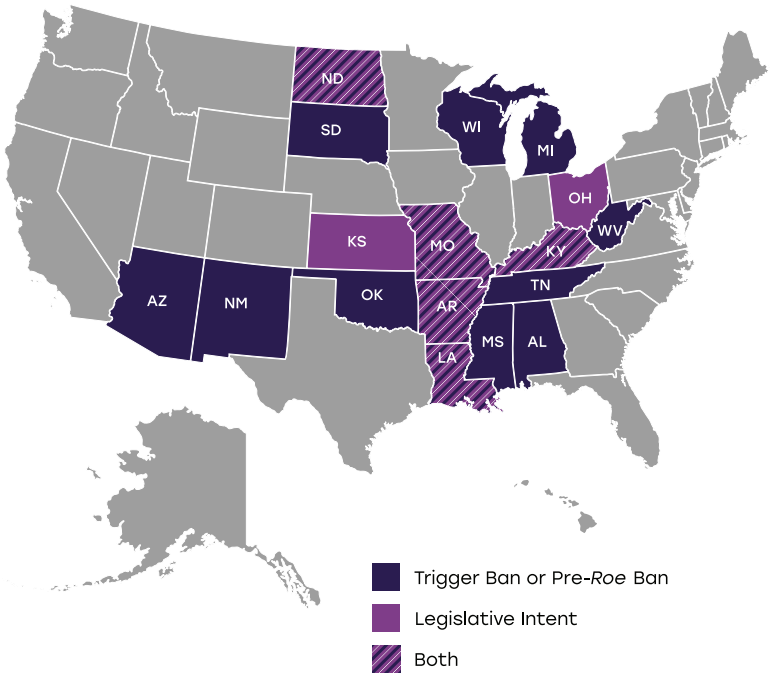
States with Greatest Protections



13 **Protected in State Law**
Legal protection of the right to abortion ensures the protections guaranteed in *Roe* become a part of state law. Women in states with these protections would have the right to legal abortion care, even if *Roe* is further eroded or outright overturned. A federal abortion ban post-*Roe* would impact these laws. **Thirteen states have such protections: CA, CT, DE, HI, IL, ME, MD, NV, NY, OR, RI, VT, and WA.**

10 **State Constitutional Protection**
The highest court in the state has held that the state's constitution protects the right to abortion, separate from the federal constitution. **Ten states have this protection: AK, CA, FL, IA, KS, MA, MN, MT, NJ, and NM.**

States at Greatest Risk



15 **Pre-*Roe* Ban and/or Trigger Ban**
A Pre-*Roe* ban is a criminal ban on some or all abortion procedures enacted before *Roe v. Wade*, while a trigger ban would impose a criminal ban on abortion if Roe is overturned. **Fifteen states have either or both: AL, AZ, AR, KY, LA, MI, MS, MO, NM, ND, OK, SD, TN, WV, and WI.**

7 **Legislative Intent**
A state has articulated in law its interest in restricting abortion to the maximum extent allowed by the Supreme Court. **Seven states have such laws: AR, KS, KY, LA, MO, ND and OH.**

EVERY. STATE. MATTERS.

We have work to do—nationally, there are significantly more states that could quickly or immediately ban abortion should *Roe* be overturned than there are states that have taken steps to enshrine those rights.

ALL MAPS CURRENT AS OF JUNE 25, 2019

Our Fight

GET INVOLVED

- Follow NARAL on social media
- Visit **www.RealityOfRoe.org** to take action
- Text **JOIN** to **21333**
- Learn more about laws in your state: **naral.us/WI**

ABOUT NARAL

NARAL Pro-Choice America and its network of state affiliates are dedicated to protecting and expanding reproductive freedom for all Americans. NARAL works to guarantee that every woman has the right to make personal decisions regarding the full range of reproductive choices, including preventing unintended pregnancy, bearing healthy children, and choosing legal abortion.

The 2.3 million members of NARAL Pro-Choice America fight for reproductive freedom for every person in every state. Since 1969, our member-driven campaigns have propelled political and cultural change at every level, from the statehouse to the White House.

CONTACT US

/NARALProChoiceAmerica
@ProChoiceAmerica
@NARAL
organize@prochoiceamerica.org
www.ProChoiceAmerica.org
202-973-3000

LEARN MORE

See how your state laws stack up: **naral.us/statelaws**

Learn more about issues affecting abortion access: **naral.us/abortionaccess**

REPORT: The Insidious Power of the Anti-Choice Movement: **naral.us/antichoice**

Sources

Who Decides? The Status of Women's Reproductive Rights in the United States. NARAL Pro-Choice America, January 2019. naral.us/whodecides

1. Abortion Policy in the Absence of Roe, Guttmacher Institute: https://www.guttmacher.org/state-policy/explore/abortion-policy-absence-roe; Dan Margolies and Celia Llopis-Jepsen, Kansas Supreme Court Rules State Constitution Protects Right to Abortion, NPR (April 26, 2019), https://www.npr.org/2019/04/26/717449336/kansas-supreme-court-rules-state-constitution-protects-right-to-abortion

2. State Funding of Abortion Under Medicaid: www.guttmacher.org/state-policy/explore/state-funding-abortion-under-medicaid

3. State Facts About Abortion: www.guttmacher.org/fact-sheet/state-facts-about-abortion

4. Induced Abortion in the United States: www.guttmacher.org/fact-sheet/induced-abortion-united-states