



Minors' Reproductive Rights & Health

Sexual Activity Among Teens

- 46% of all 15- to 19-year-olds in the U.S. have had sex at least once.¹
- Most young Americans have sex for the first time around age 17.²

Parental Consent and Notification Laws

Three states and the District of Columbia explicitly allow all minors to consent to abortion services.³ Thirty-four states require some parental involvement in a minor's decision to have an abortion.⁴

- Twenty-two states require only parental consent; Mississippi and North Dakota require the consent of both parents.⁵
- Ten states require only parental notification; Minnesota requires both parents be notified.⁶
- Two states require both parental consent and notification.⁷
- Each state with parental involvement laws must have an alternative judicial bypass procedure through which a minor can obtain approval for an abortion from a judge.⁸ This process requires the minor to appear in front of a judge and be subjectively deemed "mature" and "capable of making an informed decision."⁹ In addition to the judicial bypass procedures, six of the 34 states requiring parental involvement permit a minor to obtain an abortion if an adult relative (other than a parent) is involved in the decision.¹⁰
- Forcing a young woman to involve her parents or the judicial system against her will may increase unsafe or self-induced abortions, family violence, unwanted childbirth, and late-term abortions.¹¹

The Child Interstate Abortion Notification Act

First introduced in 2005, the Child Interstate Abortion Notification Act has been passed by the House of Representatives but has never passed in the Senate.¹²

- This Act would make it a crime for those other than parents to knowingly transport minors across state lines to obtain an abortion in order to evade parental involvement laws of the minor's state of residence.¹³
 - Under this law, both the physician performing the abortion and the adult who transports the minor could face criminal charges.¹⁴
 - Since only 13% of U.S. counties have abortion providers, this law could harm minors who wish to get abortions from neighboring states.¹⁵
- Despite its repeated failure to pass into law, the Child Interstate Abortion Notification Act was again proposed on January 22, 2009, as H.R. 634.¹⁶

Access to Contraception

- Only 21 states and the District of Columbia explicitly allow all minors to consent to contraceptive services.¹⁷
- Four states have no policy on whether a minor can consent to contraceptive services.¹⁸
- Twenty-five states and the District of Columbia allow minors to consent to contraceptive services under certain conditions, such as if the minor is married, already a parent or has been pregnant, can demonstrate maturity, is a high school graduate, or would face risk to her health without contraceptive services.¹⁹

Access to Emergency Contraception

On August 24, 2006, the FDA approved Plan B, the most widely used emergency contraceptive, for over-the-counter sale to women and men 18 and older.²⁰ However, under the regulation, women younger than 17 were still required to obtain a prescription to get Plan B.²¹ This age restriction was imposed despite medical evidence suggesting that Plan B is safe and effective for



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women younger than 18.²² This regulation could jeopardize the health of young women since Plan B is most effective if taken within 72 hours after intercourse.²³

- On March 23, 2009, a federal district court ordered the FDA to permit Plan B to be available to women 17 and older without a prescription under the same conditions it is currently available to women over 18.²⁴ The FDA has declined to appeal the decision and is currently in the process of complying with the order.²⁵

“Abstinence-Only” Sex Education Funding

Between 1996 and 2008, abstinence-only programs received over \$1.5 billion in federal funding.²⁶ There are three major sources of this federal funding:²⁷

- 1) Temporary Assistance for Needy Families Act (TANF)/Title V—TANF, better known as the 1996 “welfare reform,” added Title V, Section 510 to the Social Security Act. Title V established a new funding stream to provide grants to states for abstinence-only-until-marriage programs. Abstinence-only programs receiving Title V funds must, in addition to meeting other requirements, emphasize that a mutually faithful monogamous relationship in the context of marriage is the expected standard of sexual activity.²⁸
- 2) Adolescent Family Life Act (AFLA)—established to promote “chastity” and “self-discipline” in addition to providing support for pregnant and parenting teens. AFLA funding is now tied to the strict definition of abstinence education funding found in Title V.²⁹
- 3) Community-Based Abstinence Education (CBAE)—this funding stream awards grants directly to community-based organizations.³⁰

President Obama’s proposed 2010 budget eliminates most federal funding for abstinence-only education, choosing instead to “fund models that stress the importance of abstinence while providing medically-accurate and age-appropriate information to youth who have already become sexually active.”³¹

The Effects of “Abstinence-Only” Sex Education

- In 2007, over 47% of U.S. high school students reported having had sex at least once,³² yet from 1997-2007 there was a decrease in the number of students taught about HIV and STIs in school.³³
- The first national study of STIs in young women found that one in four girls aged 14-19 are infected with at least one of the following infections: trichomoniasis, HPV, chlamydia, or genital herpes.³⁴
- Each year, approximately 9.1 million 15- to 24-year-olds are infected with sexually transmitted infections (STIs), accounting for almost one-half of the total new STIs occurring annually in the U.S.³⁵ The Centers for Disease Control & Prevention estimate that 50% of all new HIV infections occur among people under age 25, with the majority contracted through sexual intercourse.³⁶
- The U.S. continues to have a substantially higher teenage pregnancy rate than most other developed countries—for example, the U.S. rate is nearly twice that of Australia or Canada and more than four times that of France.³⁷

¹The Guttmacher Institute, Facts on American Teens’ Sexual and Reproductive Health, STATE POL’S IN BRIEF, (The Guttmacher Institute, New York, N.Y.), Sept. 2006, 1-2, available at http://www.guttmacher.org/pubs/fb_ATSRH.pdf.

² Id.



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³ The Guttmacher Institute, *An Overview of Minors' Consent Laws*, STATE POL'S IN BRIEF (The Guttmacher Institute, New York, N.Y.), June 2009, 1-2, available at http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf.

⁴ The Guttmacher Institute, *Parental Involvement in Minors' Abortions*, STATE POL'S IN BRIEF (The Guttmacher Institute, New York, N.Y.), June 2009, 1-2, available at http://www.guttmacher.org/statecenter/spibs/spib_PIMA.pdf.

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Heather Boonstra & Elizabeth Nash, *Minors and the Right to Consent to Health Care*, THE GUTTMACHER REP. ON PUB. POL'Y, Aug. 2000, available at <http://www.guttmacher.org/pubs/tgr/03/4/gr030404.pdf>.

¹⁰ Parental Involvement in Minors' Abortions, supra note 4.

¹¹ NARAL Pro-Choice Am. Foundation, *WHO DECIDES?: THE STATUS OF WOMEN'S REPRODUCTIVE RIGHTS IN THE UNITED STATES 17* (NARAL Pro-Choice America Foundation, Washington, D.C., 18th ed. 2009).

¹² Press Release, NARAL Pro-Choice America, *Pro-Choice Senators Block Controversial Last Minute Anti-Choice Legislation* (Sept. 29, 2006), http://www.naral.org/news/press-releases/2006/pr09292006_cianablocked.html.

¹³ Id.

¹⁴ Press Release, Planned Parenthood, *Teen Endangerment Act Stalled in Congress* (Sept. 9, 2006), <http://www.plannedparenthood.org/newsroom/press-releases/teen-endangerment-9691.htm>.

¹⁵ NARAL Pro-Choice America, supra note 12.

¹⁶ Child Interstate Abortion Notification Act, H.R. 634, 111th Cong. (2009), available at <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.634.IH:>.

¹⁷ The Guttmacher Institute, *Minors' Access to Contraceptive Services*, STATE POL'S IN BRIEF, (The Guttmacher Institute, New York, N.Y.), June 2009, 1-2, available at http://www.guttmacher.org/statecenter/spibs/spib_MACS.pdf.

¹⁸ Id.

¹⁹ Id.

²⁰ Gardiner Harris, *F.D.A. Approves Broader Access to Next-Day Pill*, N.Y. TIMES, Aug. 25, 2006, available at <http://www.nytimes.com/2006/08/25/health/25fda.html>.

²¹ Id.

²² THE NAT'L ORG. FOR WOMEN, *LIMITED SUCCESS: ONE YEAR OF ACCESS TO EMERGENCY CONTRACEPTION: WHAT ACTIVISTS AND ADVOCATES CAN DO TO ELIMINATE BARRIERS* (Aug. 24, 2007), available at http://www.nowfoundation.org/issues/reproductive/ec_report.pdf.

²³ Id.

²⁴ *Tummino v. Torti*, 603 F. Supp. 2d 519, 550 (E.D.N.Y. 2009).

²⁵ Gardiner Harris, *F.D.A. Easing Access to 'Morning After' Pill*, N.Y. TIMES, Apr. 22, 2009, at A14, available at <http://www.nytimes.com/2009/04/23/health/23fda.html>.

²⁶ SIECUS, *No More Money: A Brief History of Federal Abstinence-Only-Until-Marriage Funding*, <http://www.nomoremoney.org/index.cfm?pageid=947> (last visited June 11, 2009).

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ OFFICE OF MGMT. AND BUDGET, *A NEW ERA OF RESPONSIBILITY: RENEWING AMERICA'S PROMISE* (2009), available at http://www.whitehouse.gov/omb/assets/fy2010_new_era/a_new_era_of_responsibility2.pdf; see also Laura Meckler, *Budget Widens Teen-Pregnancy-Prevention Efforts*, WALL ST. J., May 7, 2009, available at <http://online.wsj.com/article/SB124171750523696797.html>.

³² CDC, *Trends in the Prevalence of Sexual Behaviors*,

http://www.cdc.gov/HealthyYouth/yrbs/pdf/yrbs07_us_sexual_behaviors_trend.pdf (last visited June 11, 2009).

³³ Id.

³⁴ Lawrence K. Altman, *Sex Infections Found in Quarter of Teenage Girls*, N.Y. TIMES, Mar. 12, 2008, available at <http://www.nytimes.com/2008/03/12/science/12std.html>.

³⁵ Hillard Weinstock et. al., *Sexually Transmitted Diseases Among American Youth: Incidence and Prevalence Estimates, 2000*, 36 PERSP. ON SEXUAL AND REPROD. HEALTH (2004), available at <http://www.guttmacher.org/pubs/psrh/full/3600604.pdf>.

³⁶ Id.

³⁷ Jacqueline E. Darroch et. al., *Differences in Teen Pregnancy Among Five Developed Countries: The Roles of Sexual Activity and Contraceptive Use*, 33 FAMILY PLANNING PERSP. 244, 244 (1991), available at <http://www.guttmacher.org/pubs/journals/3324401.pdf>.