



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

35 states require some parental involvement in a minor's decision to have an abortion.³

- 22 states require only parental consent, 11 states require only parental notification, and 2 states require both parental consent and notification.⁴
- Each state with parental involvement laws has an alternative judicial bypass procedure, where a minor can obtain approval for an abortion from a judge.⁵ This process requires the minor to appear in front of a judge and be subjectively deemed "mature" and "capable of making an informed decision."⁶
- 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. In addition to the judicial bypass procedures, 6 of the 35 states requiring parental involvement permit a minor to obtain an abortion if an adult relative is involved.⁷

The Child Interstate Abortion Notification Act

The Child Interstate Abortion Notification Act (H.R. 748) is a bill that has been passed by the House of Representatives but has not become law, having failed to gain passage in the Senate.⁸

- 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.⁹
- Under this law, commonly referred to as the Teen Endangerment Act, both the physician performing the abortion and the adult who transports the minor could face criminal charges.¹⁰
- Since only 13% of U.S. counties have abortion providers, this law could harm minors who wish to get abortions from neighboring states.¹¹

Access to Contraception

- Only 21 states and the District of Columbia explicitly allow all minors to consent to contraceptive services.¹²
- 4 states have no policy on whether a minor can consent to contraceptive services.¹³

¹ Facts on American Teens' Sexual and Reproductive Health, STATE POLICIES IN BRIEF, (The Guttmacher Institute, New York, N.Y.), July 1, 2008, http://www.guttmacher.org/pubs/fb_ATSRH.pdf.

² Id.

³ Parental Involvement in Minors' Abortions, STATE POLICIES IN BRIEF (The Guttmacher Institute New York, N.Y.), July 1, 2008, http://www.guttmacher.org/statecenter/spibs/spib_PIMA.pdf.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Parental Involvement in Minor's Abortions, supra note 3.

⁸ 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.

⁹ Id.

¹⁰ Press Release, Planned Parenthood, Teen Endangerment Act Stalled in Congress (Sept. 9, 2006) <http://www.plannedparenthood.org/newsroom/press-releases/teen-endangerment-9691.htm>.

¹¹ NARAL Pro-Choice America, supra note 8.

¹² Minors' Access to Contraceptive Services, STATE POLICIES IN BRIEF, (The Guttmacher Institute, New York, N.Y.) July 1, 2008, http://www.guttmacher.org/statecenter/spibs/spib_MACS.pdf.

¹³ Id.



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- 25 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.¹⁴

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.¹⁵ However, women younger than 17 must obtain a prescription to get Plan B.¹⁶ This age restriction was imposed despite medical evidence suggesting that Plan B is safe and effective for women younger than 18.¹⁷ This policy undermines the health of these young women since Plan B is most effective if taken within 72 hours after intercourse.¹⁸

“Abstinence-Only” Sex Education Funding

Between 1996 and 2006, abstinence-only programs received over \$1 billion in federal funding.¹⁹ There are three major sources of this federal funding:²⁰

- 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.²¹
- 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.²²
- 3) Community-Based Abstinence Education (CBAE)—originally known as Special Projects of Regional and National Significance—Community-Based Abstinence Education (SPRANS—CBAE), this funding stream awards grants directly to community-based organizations.²³

¹⁴ Id.

¹⁵ 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>.

¹⁶ Id.

¹⁷ 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), http://www.nowfoundation.org/issues/reproductive/ec_report.pdf.

¹⁸ Id.

¹⁹ SIECUS, A Brief History of Federal Abstinence-Only-Until-Marriage Funding, <http://www.siecus.org/index.cfm?fuseaction=Page.viewPage&pageId=670&grandparentID=478&parentID=487>.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.



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The Effects of “Abstinence-Only” Sex Education

- In 2007, over 47% of U.S. high school students reported having had sex at least once,²⁴ yet from 1997-2007 there was a decrease in the number of students taught in school about HIV and STIs.²⁵
- The first national study of STIs in young women found that 1 in 4 girls aged 14-19 are infected with at least one of the following infections: Trichomoniasis, HPV, Chlamydia, or genital herpes.²⁶
- 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.²⁷ The Centers for Disease Control & Prevention estimate that one-half of all new HIV infections occur among people under age 25, with the majority contracted through sexual intercourse.²⁸
- 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.²⁹

²⁴ CDC, Trends in the Prevalence of Sexual Behaviors, http://www.cdc.gov/HealthyYouth/yrbs/pdf/yrbs07_us_sexual_behaviors_trend.pdf.

²⁵ *Id.*

²⁶ 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>.

²⁷ Hillard Weinstock et. al., Sexually Transmitted Diseases Among American Youth: Incidence and Prevalence Estimates, 2000, 36 PERSPECTIVES ON SEXUAL AND REPROD. HEALTH (2004), available at <http://www.guttmacher.org/pubs/psrh/full/3600604.pdf>.

²⁸ *Id.*

²⁹ Jaqueline E. Darroch, et. al., Differences in Teen Pregnancy Among Five Developed Countries: The Roles of Sexual Activity and Contraceptive Use, 33 FAMILY PLANNING PERSPECTIVES 244, 244 (1991), available at <http://www.guttmacher.org/pubs/journals/3324401.pdf>.