



State Laws Regulating Reproductive Rights

In 2010, legislatures in thirty-two states and the District of Columbia passed eighty-nine reproductive rights-related laws, the majority of which restrict access to abortion, sex-education, or contraceptive services.¹ At the end of 2010, state Republicans, invigorated by post-election gains, began to introduce an even greater amount of anti-choice legislation.² *Between January and July 15, 2011 alone*, legislatures in nineteen states passed eighty laws that restrict abortion access;³ in *no other year* between 1985 and 2011 have states enacted so many restrictions.⁴ In addition, legislatures in eight states passed laws that restrict funding for or that disproportionately affect family planning services.⁵

This fact sheet presents an overview of these and other laws that limit women's reproductive rights. **The “watch for” and “recent development” sections highlight noteworthy bills or laws that have been recently enacted or are pending as of July 2011.** See the endnotes for state-to-state lists of laws and developments.

Abortion Bans

- Thirteen states have preserved (what are now unenforceable) pre-*Roe* abortion bans.⁶ **Louisiana and Utah** have post-*Roe* laws that criminalize all but life-saving abortions; the laws, however, are permanently enjoined.⁷ **Louisiana, Mississippi, North Dakota, and South Dakota** have “trigger” laws that will automatically ban abortion if the Supreme Court overturns *Roe*.⁸ Seven states have laws that express legislative intent to restrict abortion to the maximum extent permitted by the United States Constitution.⁹
- **Recent developments:** In 2010, **Nebraska** passed a law banning abortion after twenty weeks, based on the **unsubstantiated and contested claim that a fetus can feel pain**.¹⁰ The law only provides an exception when the woman's life or the life of a fetus is threatened, or when continuing the pregnancy could cause dangerous complications.¹¹ Since then, fifteen states have introduced fetal pain laws modeled after Nebraska's.¹² As of July 2011, **Alabama, Idaho, Indiana, Kansas, and Oklahoma** have enacted similar laws.¹³ Since a fetus is almost never viable until twenty-four weeks,¹⁴ **these laws directly conflict with *Roe v. Wade***, which permits abortion until fetal viability.¹⁵
- **Watch for:** In June 2011, the **Ohio House** approved a measure that prohibits abortion if the ultrasound detects a **fetal heartbeat**, which typically occurs between six and ten weeks fetal gestation.¹⁶
- **Watch for:** Several states are working to **amend their state statutes or constitutions to establish legal personhood at conception**.¹⁷ This “fetal personhood” movement threatens access not just to abortion but also to contraceptives, fertility treatments, and other medical services.¹⁸ **Mississippi's constitutional amendment** will be on the ballot in 2011.¹⁹ **Houses in Montana and Tennessee** approved a measure to amend their state constitutions through ballot measures.²⁰ The **Oklahoma House** approved a bill that amends the statutory definition of “person”.²¹

Sex- and Race- Selective Abortion Bans

- Arizona, Illinois, Oklahoma, and Pennsylvania have laws that **criminalize sex-selective abortion**.²²
- **Recent development:** **Arizona's bill**, enacted in March 2011, **also bans race-selective abortion**.²³

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Mandatory, Biased Counseling & Mandatory Delays for Abortions

- Laws in thirty-four states **prohibit a woman from having an abortion until she undergoes counseling, mandatory delays, or both.**²⁴ Mandatory delays increase medical risks by impeding earlier, safer abortions.²⁵ Mandatory counseling can interfere with the physician-patient relationship and with the woman's private decision-making process.²⁶
- In seven states, the counseling requirements effectively require the woman to make two separate trips to the clinic,²⁷ thus creating a financial burden.²⁸
- Nine states require the physician or clinic to provide misleading or medically inaccurate information, such as the disproven link between abortion and breast cancer, or the false psychological effects of abortion.²⁹
- **Recent development: South Dakota's law**, passed in March 2011, **goes significantly further than other state laws.** It expands the waiting period to seventy-two hours; requires the woman to visit a "crisis pregnancy center" in which she receives misleading information; and mandates that counseling be provided in person by the performing physician.³⁰ As of July 2011, however, the law is enjoined.³¹
- **Watch for:** In June 2011, the **Louisiana Senate** approved a measure that requires the performing physician to provide all the abortion counseling.³² The counseling must include information on the purported ability of the fetus to feel pain, and on all abortion-related risks that have been published in peer-reviewed journals.³³ As of July 2011, the measure awaits signature by Governor Bobby Jindal.³⁴

Mandatory Ultrasound Laws

- Nine states **require that abortion providers give verbal or written information about ultrasound services.**³⁵
- Nineteen states **regulate when and how abortion providers give ultrasounds.**³⁶
 - Seven states **require an ultrasound for any abortion** (even though ultrasounds are not medically necessary for first-trimester procedures) **and require the provider to offer an opportunity to view the image.**³⁷ Ultrasounds can substantially increase the cost of the procedure, especially in states that restrict insurance coverage for abortions (see below).³⁸ **Oklahoma's law** requires the provider to display and describe the ultrasound image to the woman, but as of July 2011, it is enjoined.³⁹
 - Nine states require the provider to offer the woman the opportunity to view the image.⁴⁰
- **Recent development:** As of July 2011, **Texas** is the latest state to pass an ultrasound requirement. The **law goes further than others**—it requires that the woman have a sonogram, view the results, listen to the fetal heartbeat, and have the abortion provider describe the fetus.⁴¹

Counseling Bans ("Gag Rules")

- So-called "gag rules" **prohibit some or all health care organizations that receive certain state funds from providing counseling, and sometimes referrals, for abortion services.**⁴² These laws prevent doctors from providing responsible treatment and deny women the information they need to make informed decisions.⁴³ To circumvent the rule, many providers create separate medical entities—one that receives public dollars and one that does not—so that they can continue providing comprehensive care.⁴⁴

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- Twenty-one states have partial or complete gag rules, although **North Dakota's prohibition** has been held partially unconstitutional.⁴⁵

Freedom of Choice Acts

- Only seven states have **laws that protect a woman's right to choose**.⁴⁶
- Sixteen states have **constitutions that protect the right to choose** to a greater extent than the United States Constitution.⁴⁷

Insurance Coverage for Abortion

- Seven states **prohibit private insurance plans, and plans purchased through Affordable Care Act (ACA) health care exchanges, from covering most abortion services**, unless coverage is purchased through a separate rider.⁴⁸ As of July 15, 2011, however, **Rhode Island's law** is enjoined.⁴⁹
- Seven additional states restrict abortion coverage in insurance plans that will be offered through ACA health exchanges.⁵⁰
- Fourteen states **restrict or prohibit abortion coverage under public employee health insurance plans**.⁵¹
- Thirty-two states and the District of Columbia **limit Medicaid funding of abortion** to cases of rape, incest, life endangerment, or (in several states) fetal abnormality or physical health impairment.⁵²
- **Recent developments:** Eight of the states that passed laws restricting coverage under private or ACA plans did so in 2011.⁵³ Sixteen other states considered similar bills.⁵⁴ In 2011, **Alaska and Maryland** passed laws restricting Medicaid funding for abortions to cases of incest, rape, life endangerment, or (in Maryland) fetal abnormality.⁵⁵

Malpractice Insurance Coverage for Physicians

- In 2010, **Louisiana** passed a law that **prohibits physicians from purchasing malpractice insurance if they provide elective abortions**.⁵⁶ As of July 2011, a suit challenging the law is pending in the Fifth Circuit Court of Appeals, after dismissal by the district court.⁵⁷

Protection from Clinic Violence

- Laws in fifteen states and the District of Columbia **protect health care facilities, providers, and patients from harassment and violence**.⁵⁸
- **Colorado, Massachusetts, and Montana** have buffer zone laws that require clinic protesters to maintain a fixed distance from the abortion clinic and its patients.⁵⁹

Restrictions on Young Women's Access to Abortion

Thirty-six states require some sort of **parental involvement in a minor's decision to have an abortion**.⁶⁰

- Twenty-one states require one or both parents to consent to the procedure.⁶¹
- Eleven states require that one or both parents be notified.⁶²
- **Oklahoma, Texas, Utah, and Wyoming** require both parental consent and parental notification.⁶³
- Parental involvement laws in **California, Illinois, Montana, Nevada, New Jersey, and New Mexico**, however, are permanently enjoined.⁶⁴
- **Recent developments:** In 2011, **Florida, Kansas, Nebraska, New Hampshire, and North Dakota** enacted new parental involvement laws.⁶⁵ Parental consent laws in

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Kansas, Nebraska, and North Dakota also create more stringent judicial waiver requirements.⁶⁶

- **Watch for:** The **Mississippi Senate** passed a bill that makes it a crime to intentionally assist a minor in obtaining an abortion, even if the procedure is performed in a state where parental consent is not required.⁶⁷

Parental notification and consent statutes can delay minors' access to medical care and may subject them to physical and emotional abuse, homelessness, and forced pregnancy.⁶⁸

Advanced Practice Clinician/Physician-Only Laws

- In thirty-nine states, **only a licensed physician can perform an abortion.**⁶⁹ In nineteen states, an abortion must be performed in a hospital after a specified point in the pregnancy.⁷⁰ Twenty states require the involvement of a second physician after a specified point in the pregnancy.⁷¹ Advanced Practice Clinicians, such as Certified Nurse Midwives, Nurse Practitioners, and Physician Assistants, can offer at least some types of abortion care in fifteen states.⁷²

Health Care Provider Refusal Laws

- Forty-seven states and the District of Columbia allow individual health care providers to **refuse to provide specific reproductive health care services, information, or referrals.**⁷³
- Forty-five states permit health care institutions to refuse to provide abortions, although fifteen limit refusal exemptions to private or religious institutions.⁷⁴
- **Recent development:** In 2011, **Utah** expanded the state's abortion refusal clause to allow employees of health care facilities and public and non-religious hospitals to refuse to participate in or perform abortions.⁷⁵
- **Watch for:** The **Kentucky Senate** passed a measure that would allow *any person, employer, or health care provider* to refuse to be *directly or indirectly* involved with abortion services.⁷⁶

Watch for: Telemedicine and Medication Abortion Laws

In 2011, medication abortions became the new target of anti-choice activists.⁷⁷ Medication abortions are a safe, increasingly popular alternative to surgical procedures that account for almost a fifth of outpatient abortions.⁷⁸

- **Kansas and Oklahoma** passed laws that require medication abortion providers to follow a cumbersome, out-of-date 2000 FDA protocol, even though a newer protocol supports a more streamlined procedure.⁷⁹
- **Arizona, Kansas, Nebraska, North Dakota, Oklahoma, and Tennessee** banned the use of **telemedicine** for medication abortions.⁸⁰ Telemedicine allows a provider to counsel the woman via videoconference, after which clinic staff dispense the medication.⁸¹ Thus, state bans on telemedicine decrease access to abortion in areas, like rural communities, where it is less accessible.⁸²
- **Watch for:** Similar bills have passed one chamber in **Alabama, Arkansas, and Missouri.**⁸³

Physician Liability and Coercion Screening Laws

- In April 2010, **Nebraska** passed a law **requiring pre-abortion screenings for coercion and risk factors.**⁸⁴ The law adds to the thirty-six informed consent laws already in place.⁸⁵ Doctors who fail to perform the screening are subject to civil liability.⁸⁶

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Abortion providers argue it will be virtually impossible to comply with the screening requirements.⁸⁷ In July 2010, however, a judge blocked enforcement of the law.⁸⁸

- **Recent development:** The **Georgia Senate** passed a bill that permits a woman who had undergone an abortion in violation of the law to sue her physician.⁸⁹ The **Missouri House** passed a bill that requires abortion providers to buy additional insurance, to cover liability if the fetus is “born alive” because of an incomplete abortion.⁹⁰

Targeted Regulations of Abortion Providers (TRAP) Laws

TRAP laws impose **requirements on abortion providers that are different and more stringent than those applied to comparable medical practices.**⁹¹ TRAP laws are often medically unnecessary; their effect is to increase the cost, and thus the scarcity, of abortion.⁹² Forty-five states and the District of Columbia have TRAP laws.⁹³

Health Facility Licensing Schemes

- Many states impose health facility licensing requirements only on abortion providers.⁹⁴ These requirements include physical plant specifications, warrantless searches, personnel requirements, onerous administrative policies, and expensive licensing fees.⁹⁵
- Some schemes apply to all abortion providers, including those that only provide medication abortions.⁹⁶ Other regulations exempt abortion providers that perform fewer than a specified number of abortions in a given time period; apply only to second- or third-trimester abortion providers; exempt private physicians’ offices; or apply only to surgical abortion providers.⁹⁷
- **Recent developments:** In 2010, **Louisiana** passed a law that gives the Health Secretary of the State the sole ability to shut down clinics that provide abortion services.⁹⁸ Before, a panel of three judges had to approve the suspension of a clinic’s license.⁹⁹ In 2011, **Arkansas, Utah, and Virginia** passed new licensing laws.¹⁰⁰ **Virginia’s law** is the most stringent: it classifies any facility that provides more than five abortions per month as a hospital, thus requiring the facility to adhere to a more complex set of licensing requirements.¹⁰¹
- **Watch for:** In June 2011, **Kansas** passed a law that contains so many cumbersome and unnecessary laws that it would effectively force the state’s three remaining abortion clinics to close.¹⁰² As of June 2011, however, a district court has blocked enforcement.¹⁰³

Ambulatory Surgical Center (ASC) Requirements

- Ambulatory Surgical Centers (ASCs) are advanced facilities that perform a variety of outpatient surgeries.¹⁰⁴ ASC requirements mandate that abortion facilities become licensed as, and meet all the requirements of, ASCs.¹⁰⁵ These requirements add to licensing scheme rules and exceed the medical guidelines.¹⁰⁶ They include stringent physical plant rules that generally cannot be met by doctors’ offices or outpatient clinics.¹⁰⁷

Hospitalization Requirements

- Hospitalization requirements mandate that abortions after a specified gestational age (usually somewhere within the second trimester) be performed in a hospital.¹⁰⁸

Watch for: As of July 2011, TRAP laws remain pending in **Arkansas, Florida, Indiana, Mississippi, and Pennsylvania.**¹⁰⁹ Several of these laws also specify the type of training or hospital admission privileges that providers must have.¹¹⁰

Crisis Pregnancy Center (CPC) Regulation & Funding Laws

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Crisis Pregnancy Centers (CPCs) are facilities that persuade, pressure, or mislead pregnant women into not having abortions.¹¹¹ Usually affiliated with anti-choice Christian organizations, CPCs use a variety of tactics—misleading advertising, free ultrasounds, false information about the health risks of an abortion—to **impede women’s access to abortion**.¹¹² Cities, however, have begun to fight back. For example:

- In December 2009, **Baltimore, MD**, passed a law that requires CPCs to post signs outside the office detailing which services they provide.¹¹³ In January 2011, however, a federal judge ruled the ordinance unconstitutional.¹¹⁴
- In April 2010, the City Council of **Austin, TX**, voted unanimously to follow Baltimore’s example and enact similar regulations.¹¹⁵
- As of July 2011, five states have introduced bills to regulate CPCs.¹¹⁶
- **Recent development:** In July 2011, a federal judge struck down **New York City’s CPC regulation** as a violation of free speech.¹¹⁷

Twenty-two states, however, sell costly “Choose Life” license plates in order to fund anti-choice organizations.¹¹⁸

- Fourteen states donate a portion of the proceeds to specific anti-choice groups or CPCs.¹¹⁹
- Nine states specifically prohibit the allocation of the license plate proceeds to agencies or organizations that provide abortion services, counseling, referrals, or advertising.¹²⁰
- In April, 2010, however, **Virginia** passed a law to offer Trust Women/Respect Choice license plates.¹²¹ The proceeds go to the Virginia League for Planned Parenthood Fund.¹²²

Access to and Coverage of Contraceptives & Emergency Contraception (EC)

- Six states have laws or regulations that allow pharmacists to **refuse to provide contraceptives**, without protecting patient access through referrals or prescription transfers.¹²³ As of July 2011, however, Arizona’s law is enjoined.¹²⁴
- **Watch for:** As of July 2011, **Indiana, Missouri, and Pennsylvania** have considered similar bills.¹²⁵ Missouri’s bill even classifies EC, incorrectly, as an abortion pill.¹²⁶
- **Recent developments: Montana, New Hampshire, and Texas** passed budget bills that make disproportionate cuts to family planning services.¹²⁷ Other states have passed laws that specifically restrict Planned Parenthood funding (see below).

Nonetheless, some state laws protect access and coverage:

- Seventeen states and the District of Columbia have laws that **require hospitals to provide EC-related services** to sexual-assault victims.¹²⁸
- Twenty-eight states have laws **ensuring private insurance coverage of prescription contraception** to the same extent as other medications.¹²⁹ Twenty of these states, however, provide employer exceptions.¹³⁰
- Eight states **explicitly require pharmacists to provide contraceptives**.¹³¹

Watch for: Attacks on Planned Parenthood

Mirroring a federal trend, in 2011, a handful of states took aim at Planned Parenthood clinic funding. Planned Parenthood provides abortion and contraceptive services, and it relies on state grants to treat Medicaid patients.¹³² Planned Parenthood performs roughly one quarter of all abortions in the United States.¹³³

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- In June 2011, **Indiana** passed a law that discontinues Title X Medicaid family planning funding for Planned Parenthood, on the grounds that some clinics provide abortions.¹³⁴ The law conflicts with federal Medicaid statutes that allow Medicaid beneficiaries to choose their providers.¹³⁵ Planned Parenthood had already begun to turn away Medicaid patients when, in June 2011, a federal judge blocked the law.¹³⁶
- A similar June 2011 **Kansas** law defunds Planned Parenthood, *even though the two Planned Parenthood clinics in the state do not provide abortions*.¹³⁷
- **North Carolina**¹³⁸ and **Wisconsin**¹³⁹ passed similar laws in June 2011.
- In June 2011, **Texas** passed two laws that attempt to defund Planned Parenthood without violating federal rules. One law reduces funding for all family planning services; the other creates a tiered system for doling out funds that places Planned Parenthood at the bottom.¹⁴⁰

Expedited Partner Therapy (EPT) Laws

- Expedited Partner Therapy is the clinical practice of **giving a patient with a sexually transmitted infection (STI) a medication for his or her partner**, without examining the partner.¹⁴¹ EPT cuts treatment costs and increases the frequency with which partners are informed of and treated for STIs.¹⁴²
- Twenty-two states have laws that at permit at least some types of EPT.¹⁴³

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For more information on state laws pertaining to reproductive justice issues, see the following LSRJ Fact Sheets: Regulation of Pregnancy and Childbirth, Contraception & Emergency Contraception, Fetal Rights, Funding for Reproductive Health Care, Minors Rights & Reproductive Health, Religious Hospitals, Mergers, & Refusal Clauses, *available at* <http://lsrj.org/resources/#factsheets>.

¹ *Laws Affecting Reproductive Health and Rights: 2010 State Policy Review*, GUTTMACHER INST. STATE CTR., <http://www.guttmacher.org/statecenter/updates/2011/statetrends22011.html> (last visited July 21, 2011) [hereinafter GISC, 2010].

² Robin Abcarian, *Antiabortion Measures Flooding States Legislatures*, L.A. TIMES, May 8, 2011.

³ *Laws Affecting Reproductive Health and Rights: State Trends at Midyear, 2011*, GUTTMACHER INST. STATE CTR., <http://www.guttmacher.org/statecenter/updates/2011/statetrends22011.html> (last visited July 21, 2011) [hereinafter GISC, 2011].

⁴ *See Id.* (charting state abortion laws from 1985 to 2011).

⁵ *Id.*

⁶ GUTTMACHER INST., STATE POLICIES IN BRIEF, ABORTION POLICY IN THE ABSENCE OF *ROE* 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_APAR.pdf. These states are: AL, AR, AZ, CO, DE, MA, MI, MS, NM, OK, VT, WV, WI. *Id.* at 2.

⁷ *Id.* at 2.

⁸ *Id.*

⁹ *Id.* These states are: AK, IL, KY, LA, MO, ND, OH. *Id.*

¹⁰ GISC, 2010, *supra* note 1.

¹¹ *Id.*

¹² GISC, 2011, *supra* note 3.

¹³ *Monthly State Update, MAJOR DEVELOPMENTS IN 2011 (as of 7/1/2011)*, GUTTMACHER INST. STATE CTR., <http://www.guttmacher.org/statecenter/updates/index.html#sectri> (last visited July 21, 2011) [hereinafter GISC, MSU 2011].

¹⁴ GISC, 2010, *supra* note 1.

¹⁵ *Roe v. Wade*, 410 U.S. 113, 163 (1973).

¹⁶ GISC, MSU 2011, *supra* note 13.

¹⁷ *Id.*

¹⁸ Joseph Bowen, *Anti-Choice "Egg-as-Person" Initiatives Threaten the Rights of Women*, RH REALITY CHECK (Nov. 12, 2009 10:35 AM), <http://www.rhrealitycheck.org/blog/2009/11/12/antichoice-eggasperson-initiatives-threaten-rights-of-women>.

¹⁹ *The GOP Takes its War on Women to the States*, PEOPLE FOR THE AM WAY, <http://aara.pfaw.org/media-center/publications/the-gop-takes-its-war-women-to-the-states#personhood> (last visited July 21, 2011).

²⁰ GISC, *MSU 2011*, *supra* note 13.

²¹ *Id.*

²² NAT'L ASIAN PACIFIC AM. WOMEN'S FORUM, ISSUE BRIEF 1 (July 2010), *available at* <http://napawf.org/wp-content/uploads/2011/06/Race-and-sex-selection-fact-sheet.pdf>.

²³ Assoc. Press, *Arizona: Abortion Banned for Race Selection*, N.Y. TIMES, Mar. 30, 2011.

²⁴ GUTTMACHER INST., STATE POLICIES IN BRIEF, COUNSELING AND WAITING PERIODS FOR ABORTION 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_MWPA.pdf.

²⁵ *Mandatory Delays and Biased Counseling for Women Seeking Abortions*, CTR. FOR REPROD. RIGHTS, <http://reproductiverights.org/en/project/mandatory-delays-and-biased-counseling-for-women-seeking-abortions> (last updated Sept. 30, 2010).

²⁶ *Id.*

²⁷ GUTTMACHER INST., STATE POLICIES IN BRIEF, COUNSELING AND WAITING PERIODS FOR ABORTION, *supra* note 24, at 1. These states are: LA, MS, OH, UT, WI, IN, MO. *Id.*

²⁸ *Id.*

²⁹ *Id.* at 3. These states are: AL, MO, MS, NE, OK, SD, TC, UT, WV. *Id.*

³⁰ GISC, *2011*, *supra* note 3.

³¹ *Id.*

³² GISC, *MSU 2011*, *supra* note 13.

³³ *Id.*

³⁴ *Id.*

³⁵ GUTTMACHER INST., STATE POLICIES IN BRIEF, REQUIREMENTS FOR ULTRASOUND 2 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_RFU.pdf. These states are: GA, IN, KS, MI, MO, NE, OK, UT, WI. *Id.*

³⁶ *Id.* These states are: AL, AR, AZ, FL, GA, ID, KS, LA, MI, MO, MS, NE, ND, OH, OK, SC, SD, UT, WV. *Id.*

³⁷ *Id.* These states are: AL, AZ, FL, KS, LA, MS, OK. *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* These states are: AR, GA, ID, MI, NE, OH, SC, UT, WV. *Id.*

⁴¹ GISC, *MSU 2011*, *supra* note 13.

⁴² NARAL PRO-CHOICE AM., WHO DECIDES? THE STATUS OF REPRODUCTIVE RIGHTS IN AMERICA 13 (Jan. 2011), *available at* <http://www.naral.org/government-and-you/who-decides/who-decides-2011.pdf>.

⁴³ *Id.*

⁴⁴ Rachel Benson Gold, *Efforts Renew to Deny Family Planning Funds to Agencies That Offer Abortions*, GUTTMACHER REPORT ON PUB. POLICY, Feb. 2002, at 4, 4-5, *available at* <http://www.guttmacher.org/pubs/tgr/05/1/gr050104.pdf>.

⁴⁵ NARAL PRO-CHOICE AM., WHO DECIDES?, *supra* note 42, at 13. These states are: AL, AR, AZ, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, PA, SC, TX, VA, WI. *Id.*

⁴⁶ GUTTMACHER INST., STATE POLICIES IN BRIEF, ABORTION POLICY IN THE ABSENCE OF *ROE*, *supra* note 6, at 1. These states are: CA, CT, HI, ME, MD, NV, WA. *Id.*

⁴⁷ *State Constitutional Protection*, NARAL PRO-CHOICE AM., <http://www.prochoiceamerica.org/what-is-choice/fast-facts/issues-constitutional-protection.html> (last visited July 19, 2011). These states are: AK, AZ, CA, CT, FL, IL, IN, MA, MN, MT, NJ, NM, OR, TN, VT, WV. *Id.*

⁴⁸ GUTTMACHER INST., STATE POLICIES IN BRIEF, RESTRICTING INSURANCE COVERAGE OF ABORTION 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_RICA.pdf. These states are: ID, KS, KY, MO, ND, OK, RI. Oklahoma provides an exception when the pregnancy is the result of incest or rape, or when the mother's life or health is at risk. The other states only provide exceptions when the mother's life or health is at risk. Health care exchanges offered under the Patient Protection and Affordable Care Act will not be operational until 2014. *Id.*

⁴⁹ *Id.* at 2.

⁵⁰ *Id.* These states are: AZ, FL, IN, LA, MS, TN, VA. *Id.*

⁵¹ *Id.* These states are: AZ, CO, IL, KY, MO, MS, NC, ND, NE, OH, PA, RI, SC, VA. Except for Colorado and Kentucky, which provide no abortion coverage, the other states have varying exceptions relating to cases of life, bodily endangerment, rape, incest, or fetal abnormality. *Id.*

⁵² GUTTMACHER INST., STATE POLICIES IN BRIEF, STATE FUNDING OF ABORTION UNDER MEDICAID 2 (July 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_SFAM.pdf.

⁵³ GUTTMACHER INST., STATE LEGISLATION ENACTED IN 2011 RELATED TO REPRODUCTIVE HEALTH 4 (July 2011), *available at* <http://www.guttmacher.org/statecenter/updates/2011newlaws.pdf>. These states are: FL, ID, IN, KS, NE, OK, UT, VA. *Id.*

⁵⁴ GISC, 2011, *supra* note 3.

⁵⁵ GISC, *MSU 2011, supra* note 13.

⁵⁶ Robin Marty, *Louisiana Denies Malpractice Insurance for “Elective” Abortions*, RH REALITY CHECK (June 23, 2010), <http://www.rhrealitycheck.org/blog/2010/06/23/louisiana-denies-malpractice-insurance-elective-abortions>.

⁵⁷ Hope Med. Group for Women vs. Lorraine LeBlanc, No. 09-31015, 2010 U.S. App. LEXIS 26940 (5th Circ. Nov. 23, 2010).

⁵⁸ GUTTMACHER INST., STATE POLICIES IN BRIEF, PROTECTING ACCESS TO CLINICS 2 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_PAC.pdf. These states are: CA, CO, KS, MA, ME, MD, MI, MN, MT, NC, NE, NY, OR, WA, WI. *Id.*

⁵⁹ *Id.*

⁶⁰ GUTTMACHER INST., STATE POLICIES IN BRIEF: AN OVERVIEW OF ABORTION LAWS 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_OAL.pdf.

⁶¹ *Id.* at 2. These states are: AL, AR, AZ, ID, IN, KS, KY, LA, MA, MI, MS, MO, NC, ND, OH, PA, RI, SC, TN, VA, WI. *Id.*

⁶² *Id.* These states are: AK, CO, DE, FL, GA, IA, KS, MN, NE, SD, WV. *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ GISC, *MSU 2011, supra* note 13.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ GUTTMACHER INST., GUTTMACHER ADVISORY: THE IMPACT OF PARENTAL INVOLVEMENT LAWS 2 (2008), *available at* http://www.guttmacher.org/media/evidencecheck/2008/10/16/Parental_Involvement2008.pdf.

⁶⁹ GUTTMACHER INST., STATE POLICIES IN BRIEF, AN OVERVIEW OF ABORTION LAWS 2, *supra* note 60. These states are: AL, AK, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WI, WY. *Id.*

⁷⁰ *Id.* at 2. These states are: AL, AZ (temporarily enjoined pending litigation), CT, ID, IN, KY, MA, MN, MO, NV, NJ, NC, ND, OH, OK, PA, SC, SD, UT, VA, WI. *Id.*

⁷¹ *Id.* These states are: AL, AZ, AR, FL, GA, ID, IL, IN, KS, LA, MN, MO, MT, NY, ND, OH (permanently enjoined), OK, PA, SC, VA. *Id.*

⁷² *Advanced Practice Clinicians*, ABORTION ACCESS PROJECT, <http://www.abortionaccess.org/our-work/advanced-practice-clinicians-home-88> (last visited July 21, 2011).

⁷³ NARAL PRO-CHOICE AM. FOUND., REFUSAL CLAUSES: DANGEROUS FOR WOMEN’S HEALTH 6-7 (Jan. 2011), *available at* <http://www.naral.org/media/fact-sheets/abortion-refusal-clauses-dangerous.pdf>. Alabama, New Hampshire, and Vermont are the only states that do not have refusal clauses. *Id.*

⁷⁴ GUTTMACHER INST., STATE POLICIES IN BRIEF, REFUSING TO PROVIDE HEALTH SERVICES 2 (July 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_RPHS.pdf. Alabama, Connecticut, New Hampshire, Vermont, and West Virginia are the only states that do not have abortion-specific refusal clauses. *Id.*

⁷⁵ GISC, *MSU 2011, supra* note 13.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ JoAnne Young, *Judge Blocks New Abortion Screening Law*, LINCOLN JOURNAL STAR, July 14, 2010.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ GISC, *MSU 2011, supra* note 13.

⁹⁰ *Id.*



State Laws Regulating Reproductive Rights

⁹¹ *Targeted Regulation of Abortion Providers (TRAP)*, CTR. FOR REPROD. RIGHTS, <http://reproductiverights.org/en/project/targeted-regulation-of-abortion-providers-trap> (last updated Mar. 5, 2009).

⁹² *Id.*

⁹³ See *Targeted Regulation of Abortion Providers (TRAP)*, NARAL PRO-CHOICE AM., <http://www.prochoiceamerica.org/what-is-choice/fast-facts/issues-trap.html> (last visited July 21, 2011) (listing forty-four states). As of July 2011, the only states without TRAP laws are Montana, New Hampshire, Oregon, Vermont, and West Virginia. Laws in fifteen states (AK, AZ, ID, IL, MA, MS, MO, NY, ND, OH, OK, PA, TN, UT, WI), however, are partially unenforceable. *Id.* See also GISC, *MSU 2011*, *supra* note 13 (listing Kansas as the state with recently-enacted legislation). As of July 2011, however, a district court has blocked enforcement of the law. *Id.*

⁹⁴ *Targeted Regulation of Abortion Providers: Avoiding the TRAP*, Ctr. for Reprod. Rights, <http://reproductiverights.org/en/document/targeted-regulation-of-abortion-providers-trap-avoiding-the-trap> (last updated Nov. 1, 2007).

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Robin Marty, *Louisiana Clinic Shut-Down Bill Signed*, RH REALITY CHECK (June 24, 2010, 4:21 PM), <http://www.rhrealitycheck.org/blog/2010/06/24/louisiana-clinic-shutdown-bill-signed>.

⁹⁹ *Id.*

¹⁰⁰ GISC, *MSU 2011*, *supra* note 13.

¹⁰¹ *Id.*

¹⁰² Pima Levy, *How Kansas Banned Abortion*, AM. PROSPECT, July 1, 2011. For an in-depth discussion of the Kansas law, see Kate Sheppard, *Abortion Foes' Latest Backdoor Ban*, MOTHER JONES (June 27, 2011 3:00 AM), <http://motherjones.com/politics/2011/06/abortion-foes-latest-backdoor-ban>.

¹⁰³ Levy, *supra* note 102.

¹⁰⁴ *Id.*

¹⁰⁵ Ctr. for Reprod. Rights, *Targeted Regulation of Abortion Providers: Avoiding the TRAP*, *supra* note 94.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ GISC, *MSU 2011*, *supra* note 13.

¹¹⁰ *Id.*

¹¹¹ *Abortion Facts, Crisis Pregnancy Centers*, NAT'L ABORTION FED'N, http://www.prochoice.org/about_abortion/facts/cpc.html (last visited July 21, 2011).

¹¹² *Id.*

¹¹³ Robin Marty, *Baltimore's Limited-Service Pregnancy Centers Disclaimers Bill Signed into Law*, RH REALITY CHECK (Dec. 7, 2009, 12:45 PM), <http://www.rhrealitycheck.org/blog/2009/12/07/baltimores-limitedservice-pregnancy-centers-disclaimers-bill-signed-law>.

¹¹⁴ *Federal Judge Says Baltimore Ordinance Requiring CPCs to Disclose Services is Unconstitutional*, WOMEN'S HEALTH POLICY REPORT, http://www.nationalpartnership.org/site/News2?page=NewsArticle&id=27548&news_iv_ctrl=-1&abbr=daily4_ (last updated Jan. 31, 2011).

¹¹⁵ Rachel Larris, *City of Austin Passes Crisis Pregnancy Center Ordinance*, RH REALITY CHECK (April 8, 2010, 1:13 PM), <http://www.rhrealitycheck.org/node/13199>.

¹¹⁶ GISC, *MSU 2011*, *supra* note 13.

¹¹⁷ David W. Chen, *Judge Blocks City's Crisis Pregnancy Center Law*, N.Y. TIMES, July 13, 2011.

¹¹⁸ GUTTMACHER INST., STATE POLICIES IN BRIEF, 'CHOOSE LIFE' LICENSE PLATES 2 (July 1, 2010), available at http://www.guttmacher.org/statecenter/spibs/spib_CLLP.pdf.

¹¹⁹ *Id.* at 2. These states are: AL, AZ, DE, HI, KY, MA, MD, MO, MT, NJ, PA, SC, TN, VA. *Id.*

¹²⁰ *Id.* These states are: AR, FL, HI, IN, LA, MD, MA, OH, OK. *Id.*

¹²¹ Rachel Larris, *Virginia Governor Signs Bill Creating Pro-Choice License Plate*, RH REALITY CHECK (Apr. 14, 2010, 4:09 PM), <http://www.rhrealitycheck.org/blog/2010/04/14/virginia-governor-signs-bill-create-prochoice-license-plate>.

¹²² *Id.*

¹²³ *Pharmacy Refusal 101*, NAT'L WOMEN'S LAW CTR., <http://www.nwlc.org/resource/pharmacy-refusals-101> (last updated May 10, 2011). These states are: AR, AZ, GA, ID, MS, SD. *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ GISC, *MSU 2011*, *supra* note 13.



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¹²⁸ GUTTMACHER INST., STATE POLICIES IN BRIEF, EMERGENCY CONTRACEPTION 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_EC.pdf. These states are: AR, AK, CA, CO, CT, IL, MA, MN, NJ, NM, NY, OR, PA, SC, TX, UT, WA, WI. *Id.* at 2.

¹²⁹ GUTTMACHER INST., STATE POLICIES IN BRIEF, INSURANCE COVERAGE OF CONTRACEPTIVES 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_ICC.pdf. These states are: (AZ, AR, CA, CT, DE, GA, HI, IL, IA, ME, MD, MA, MI, MO, MT, NE, NH, NJ, NM, NY, NC, OR, RI, VT, WA, WV, and WI)

¹³⁰ *Id.*

¹³¹ NAT'L WOMEN'S LAW CTR., *Pharmacy Refusal 101*, *supra* note 123. These states are: CA, IL, ME, MA, NV, NJ, WA, WI. *Id.*

¹³² Kate Sheppard, *Planned Parenthood Under Attack at the State Level*, MOTHER JONES (June 19, 2011, 10:55 AM), <http://motherjones.com/mojo/2011/06/planned-parenthood-under-attack-state-kansas-texas>.

¹³³ *Id.*

¹³⁴ Robert Pear, *Indiana Law to Cut Planned Parenthood Funding is Blocked*, N.Y. TIMES, June 24, 2011.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Sheppard, *Planned Parenthood*, *supra* note 132.

¹³⁸ *Id.*

¹³⁹ Maggie Fox, *Wisconsin Cuts Funds to Planned Parenthood*, NAT'L JOURNAL (June 26, 2011, 7:26 PM), <http://www.nationaljournal.com/healthcare/wisconsin-cuts-funds-to-planned-parenthood-20110626>.

¹⁴⁰ Laura Bassett, *Texas GOP Takes Drastic Measures to Defund Planned Parenthood*, HUFFINGTON POST (June 28, 2011, 3:59 PM), http://www.huffingtonpost.com/2011/06/28/texas-gop-defund-planned-parenthood_n_886227.html.

¹⁴¹ *Sexually Transmitted Diseases, Expedited Partner Therapy (EPT)*, CTRS. FOR DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/std/ept/> (last reviewed Nov. 2, 2010).

¹⁴² CTRS. FOR DISEASE CONTROL & PREVENTION, EXPEDITED PATIENT THERAPY IN THE MANAGEMENT OF SEXUALLY TRANSMITTED DISEASES, REVIEW AND GUIDANCE 5 (2006), *available at* <http://www.cdc.gov/std/treatment/EPTFinalReport2006.pdf>.

¹⁴³ See GUTTMACHER INST., PARTNER TREATMENT FOR STIs 1 (July 1, 2011), *available at* http://www.guttmacher.org/statecenter/spibs/spib_EPT.pdf (noting that AK, AZ, CA, IL, IA, LA, ME, MN, MO, NV, NM, NY, NC, ND, OR, RI, TN, TX, UT, VT, and WI have EPT laws). See also GISC, *MSU 2011*, *supra* note 13 (noting that Connecticut's recently-passed law will take effect in October 2011).