

19TH EDITION  
JANUARY 2010

Who Decides?

19TH EDITION JANUARY 2010

[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

In North Carolina we had a **major victory** in 2009. We helped pass the Healthy Youth Act which provides access to age-appropriate comprehensive sex education for middle-school students. **For the first time in 13 years** students in North Carolina will receive the objective and scientifically based information they need to make **healthy and educated decisions** about their futures.

—NARAL PRO-CHOICE NORTH CAROLINA

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Virginia severely limits a woman's right to choose. Women seeking abortion care must not only receive a state-mandated lecture that often includes medically inaccurate information, but they're also forced to wait 24 hours before having the procedure. Eighty-six percent of Virginia counties have no abortion provider. And to top it all off, **Virginia is the home to at least 58 anti-choice crisis pregnancy centers versus only 22 comprehensive reproductive-health-care facilities.** The services and options are stacked wholly against women of the Commonwealth.

—NARAL PRO-CHOICE VIRGINIA

---

While Texas women have a right to choose in principle, in reality there are abortion providers in only seven percent of counties – **forcing women to drive several hundred miles and make personal sacrifices in order to exercise that legal right,** and the hassle is compounded by a mandatory 24-hour delay. The shortage of providers and restrictive state laws greatly hinder access to health care for Texas's rural women.

—NARAL PRO-CHOICE TEXAS

# 2010 REPORT CARD

## ON WOMEN'S REPRODUCTIVE RIGHTS

NATIONWIDE GRADE: *D*

	GRADE	RANK		GRADE	RANK
ALABAMA	F	37	MISSOURI	F	48
ALASKA	A <sup>-</sup>	14	MONTANA	A <sup>-</sup>	11
ARIZONA	D <sup>+</sup>	28	NEBRASKA	F	39
ARKANSAS	F	43	NEVADA	A <sup>-</sup>	9
CALIFORNIA	A <sup>+</sup>	1	NEW HAMPSHIRE	A <sup>-</sup>	14
COLORADO	D <sup>+</sup>	24	NEW JERSEY	A <sup>-</sup>	9
CONNECTICUT	A	3	NEW MEXICO	A <sup>-</sup>	13
DELAWARE	C <sup>+</sup>	21	NEW YORK	A <sup>-</sup>	11
DISTRICT OF COLUMBIA	B <sup>-</sup>	19	NORTH CAROLINA	D <sup>+</sup>	26
FLORIDA	D	31	NORTH DAKOTA	F	50
GEORGIA	D	30	OHIO	F	42
HAWAII	A	4	OKLAHOMA	F	34
IDAHO	F	40	OREGON	A	6
ILLINOIS	B <sup>-</sup>	18	PENNSYLVANIA	F	45
INDIANA	F	35	RHODE ISLAND	D <sup>+</sup>	24
IOWA	C <sup>+</sup>	20	SOUTH CAROLINA	F	36
KANSAS	D <sup>-</sup>	32	SOUTH DAKOTA	F	41
KENTUCKY	F	46	TENNESSEE	D <sup>+</sup>	27
LOUISIANA	F	51	TEXAS	F	38
MAINE	A	7	UTAH	F	44
MARYLAND	A	5	VERMONT	A <sup>-</sup>	8
MASSACHUSETTS	B <sup>-</sup>	17	VIRGINIA	F	47
MICHIGAN	F	33	WASHINGTON	A <sup>+</sup>	2
MINNESOTA	C <sup>+</sup>	21	WEST VIRGINIA	B	16
MISSISSIPPI	F	49	WISCONSIN	C <sup>-</sup>	23
			WYOMING	D <sup>+</sup>	29



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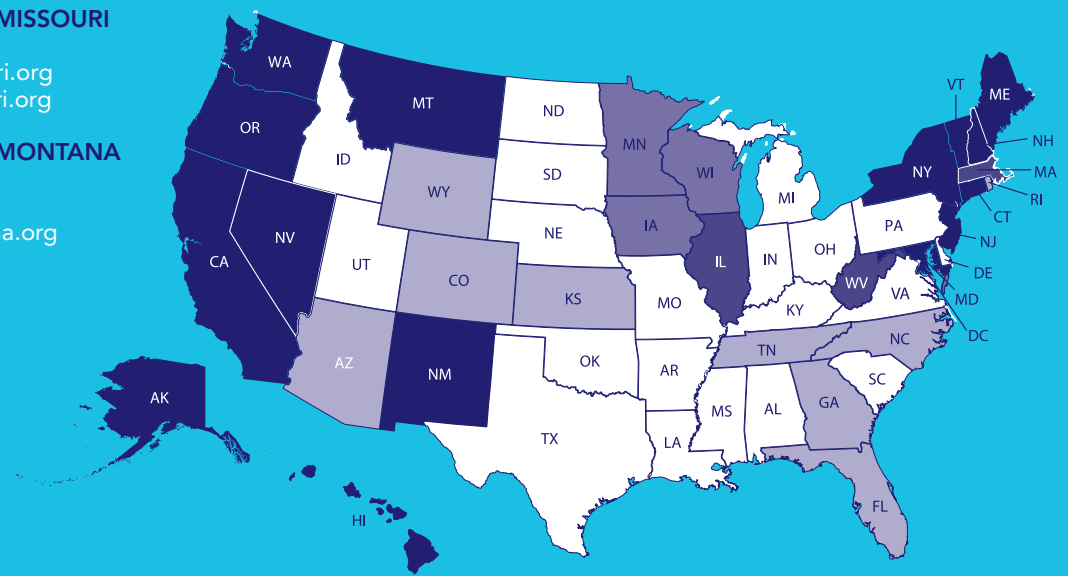
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NARAL Pro-Choice America Foundation dedicates the 2010 edition of *Who Decides? The Status of Women's Reproductive Rights in the United States* to the late George Richard Tiller, M.D. and his family, to all abortion-care providers, and to the late Sen. Edward Moore "Ted" Kennedy.

Through his life's work, Dr. George Tiller compassionately and heroically served women from all across the country in order to ensure their right to reproductive-health services. Dr. Tiller often spoke of his values – kindness, courtesy, justice, love, and respect – which he brought with him to work everyday. Although frequently the target of attacks, he never wavered in his commitment to those values and to the women he served. NARAL Pro-Choice America Foundation is deeply grateful for his work and will greatly miss his contributions to the pro-choice cause.

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Abortion providers everywhere bravely make available much-needed health-care services, often under hostile conditions. Providers frequently face harassment in the form of stalking, clinic vandalism, bombings, and death threats so that women can access safe, legal abortion care. For many, bulletproof vests have become a standard part of their daily work uniform. These harsh realities only exacerbate the shortage of abortion providers nationwide. Without these courageous providers, the right to choose would be effectively meaningless.

\*\*\*

Sen. Edward Kennedy dedicated his life to social justice, ensuring that every American had a voice in government. He was particularly vocal on behalf of the poor, workers, the elderly, children, and women, who otherwise often found themselves locked out of Washington's corridors of power. During his career in the Senate, he was the author of several hundred bills that became law and helped improve the quality of life for many Americans. Among other laws, he authored the Freedom of Access to Clinic Entrances (FACE) Act of 1994, which guaranteed women entry to reproductive-health facilities free of violent threats and blockades. Sen. Kennedy will be remembered through his momentous contributions to society for generations to come.



## From the *President*

On January 20, 2009, a bright, chilly winter day, I stood and watched President Barack Obama take the oath of office. After eight long years of a White House that relentlessly attacked a woman's right to choose, the pro-choice American majority finally said, "Enough." And within days of that swearing-in ceremony, President Obama began to undo eight years of damage. He repealed the global gag rule, fixed the birth-control price crisis, re-funded the U.N. population program, and took steps to repeal Bush's eleventh-hour attack on reproductive rights, the Federal Refusal Rule.

That's not all. President Obama selected former NARAL Pro-Choice America Legal Director Dawn Johnsen for a senior Justice Department position, and his very first judicial nominee, David Hamilton, issued pro-choice rulings as a district-court judge. This summer, Justice David Souter made national headlines when he announced his retirement from the Supreme Court. NARAL supported President Obama's nomination of Justice Souter's successor, Judge Sonia Sotomayor, the first Latina nominee to the Supreme Court.

These wins at the federal level, however, were overshadowed quickly by anti-choice lawmakers' audacious attacks on our reproductive freedom in Congress' health-reform legislation. Although the battle over health reform remains unfinished as I write this, the Stupak-Pitts amendment, if included in final legislation, would represent the most serious rollback of a woman's right to choose in a generation. The fact that the House of Representatives voted by a 46-vote margin in its favor should be a wake-up call to all Americans who value their reproductive rights. And in many states across the country, the right to choose hangs in the balance. One state, Arizona, illustrates the dire situation many women in the United States face, even with a pro-choice president.

In the past year, we lost an important pro-choice champion in Arizona. When Gov. Janet Napolitano left the state house to head the Department of Homeland Security, anti-choice Jan Brewer moved into the top job in that state. While governor, Napolitano consistently vetoed dangerous anti-choice legislation. With this change in leadership, the anti-choice Arizona legislature was able to enact three dangerous anti-choice measures within just six short months of Gov. Napolitano's departure. These measures attacked Arizonan women's access to both abortion and contraception, imposing new burdens on the right to choose where they didn't exist before. Arizona's case is a chilling reminder of the importance of having pro-choice lawmakers at all levels of government.

The 19th edition of *Who Decides? The Status of Women's Reproductive Rights in the United States* reflects these challenges that women faced in 2009, and highlights opportunities to improve and secure pro-choice policies in the states.

As we look forward to the coming year, we take stock of our situation. We continue to fight against attacks on reproductive rights in Congress' health-reform plan. We continue to hold lawmakers accountable for their cynical and unrelenting assaults on the right to choose. We continue to mourn the loss of Dr. George Tiller, whose absence is felt across the country. We stand by abortion providers, whose numbers are diminishing across the country in the face of restrictive laws and outbreaks of violence at health centers. And we celebrate each policy victory – whether at the state or federal level – as a win for women everywhere.

We are at an historic moment. Positive change for women is within our grasp, but we can't take anything for granted – nor can we ignore the fact that opponents of freedom will go to great lengths to construct roadblocks on our path to progress, as we've seen firsthand in the battle for responsible health-care reform. In order to realize the full promise of that historic day in January, we must act on our values and build the collective strength of America's pro-choice majority for generations to come.

Sincerely,

Nancy Keenan  
**President**  
NARAL Pro-Choice America Foundation



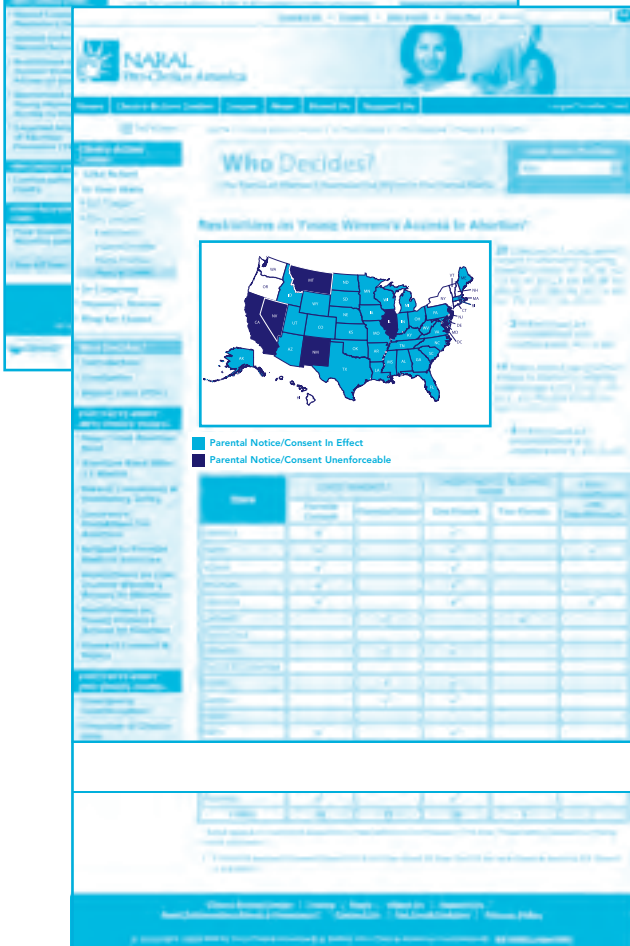
# Visit the Web

for the following information and more!

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



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.



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 blue color with a stylized, lighter blue graphic of the Statue of Liberty's face and crown. The face is shown in profile, looking towards the right. The crown has seven rays extending upwards and outwards. The word "INTRODUCTION" is written in white, bold, uppercase letters across the center of the image.

# INTRODUCTION

# KEY FINDINGS: Pro-Choice Policy

NARAL Pro-Choice America Foundation 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.

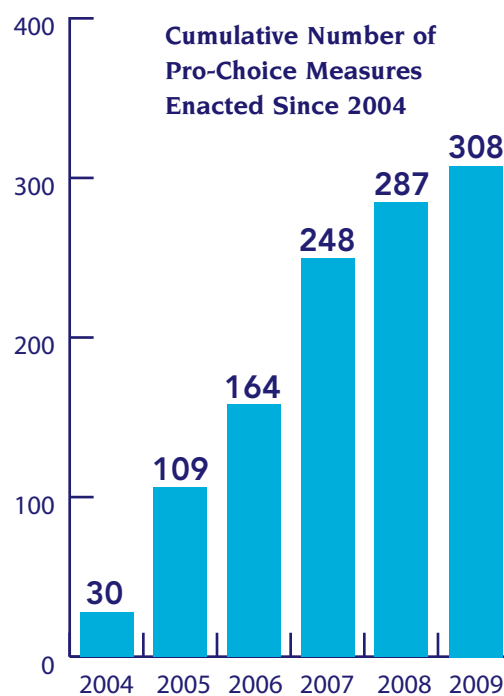
In 2009, our nationwide *Prevention First* initiative continued to gain support, and helped create new laws aimed at making abortion less necessary by preventing unintended pregnancies. Pro-choice advocates challenged lawmakers to stand with us and unify behind commonsense prevention policies that would 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 2009, lawmakers across the country put prevention first and prioritized women's health over politics.

In addition to being another important year for prevention efforts, 2009 saw states continue their focus on expanding access to health-care services for women who choose to become parents. Six 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, as well as pregnant legal immigrants.

In 2010, when anti-choice advocates likely will try to impose new restrictions on abortion that could test the court's interpretation of the constitutional right to choose, NARAL Pro-Choice America Foundation, 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.

## Measures enacted:

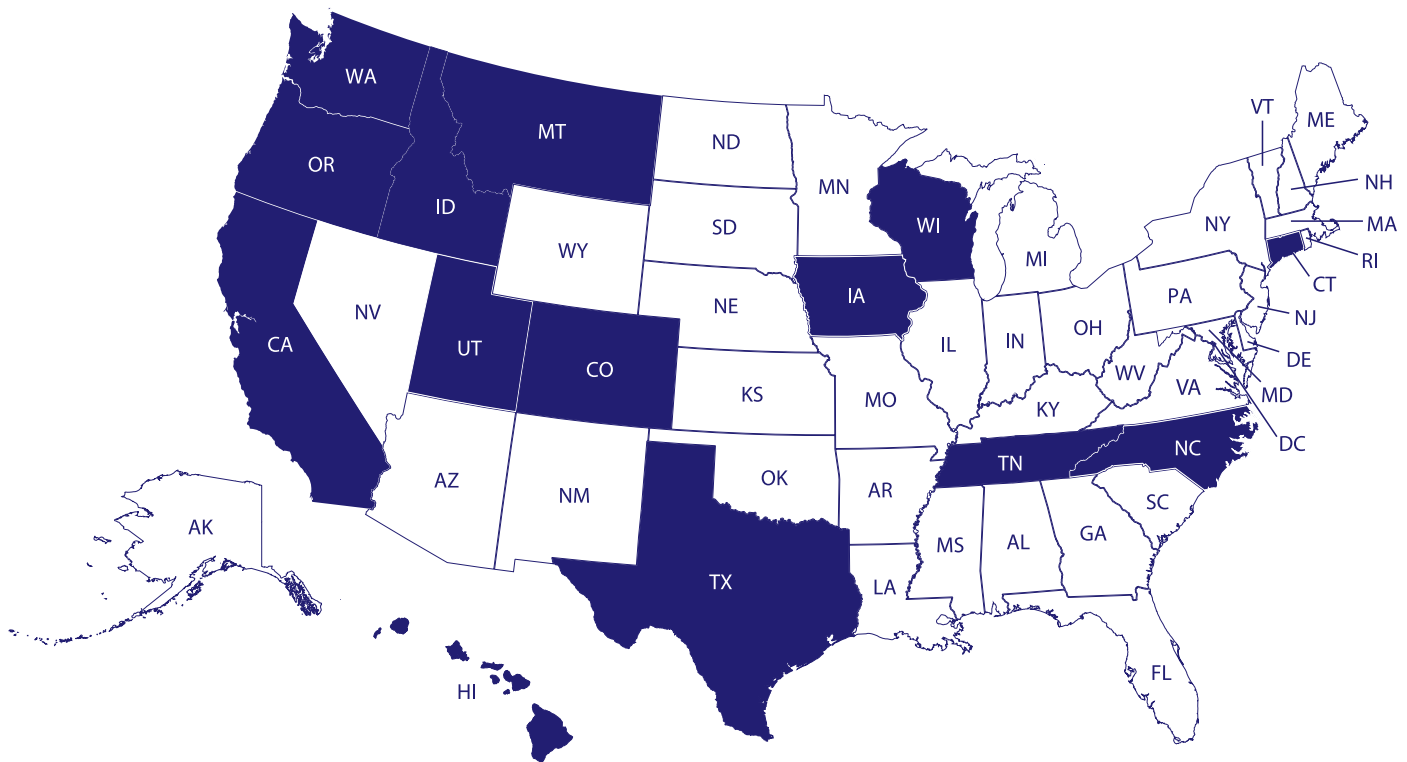
- 14 states and the District of Columbia enacted 21 pro-choice measures in 2009; seven of these were *Prevention First* measures.
- Colorado enacted the most pro-choice legislation in 2009, with five measures.
- The District of Columbia, Oregon, Texas, Utah, Washington, and Wisconsin enacted *Prevention First* measures in 2009.



## KEY PREVENTION FIRST AND OTHER VICTORIES IN 2009

- Utah enacted a law that ensures that sexual-assault survivors receive information about and access to emergency contraception in emergency rooms.
- California, Colorado, Connecticut, Iowa, Montana, and Oregon enacted laws that promote healthy childbearing.
- Hawaii, North Carolina, Oregon, Texas, and Washington enacted laws that improve sex education in schools.
- Wisconsin enacted a law that requires health-insurance plans that provide prescription medication benefits to cover contraceptives and both pharmacies and pharmacists to fill valid prescriptions.

States That Enacted Pro-Choice Legislation in 2009



<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). “Laws” refers to constitutional provisions, statutes, regulations, court decisions, and opinions of state attorneys general.

<sup>2</sup> NARAL Pro-Choice America Foundation 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, contraceptive equity, access to family-planning services, guaranteed access to prescriptions, and emergency contraception (EC pharmacy access, EC in the ER, and EC public education).

# KEY FINDINGS: Threats to Choice

In 2009, anti-choice lawmakers continued their relentless attacks on a woman's right to choose in legislatures throughout the country. At the federal level, anti-choice members of Congress attempted to use health-reform legislation as an opportunity to impose new limitations on women's reproductive freedom. The House passed a health-reform bill that includes sweeping new restrictions on women's access to abortion care, including provisions that would even make it virtually impossible for women purchasing insurance in the new health-care system with their own, private funds to obtain abortion coverage. At the time of this publication's printing, the Senate had not yet passed its version of the bill; however, several threats continue to loom, including a similar ban as well as measures that would grant broad license to health-care providers and entities (including hospitals, HMOs, and insurance companies) to refuse to provide or cover medical services and proposals to reinstate funding for failed "abstinence-only" programs.

At the state level, among the several newly enacted anti-choice laws, two states implemented measures that ban a safe, medically appropriate abortion procedure with no exception to protect a woman's health – laws that are enforceable due to the Supreme Court's decision to reverse precedent and uphold the Federal Abortion Ban in 2007. In addition, several states considered so-called "personhood" measures intended to impose near-total bans on abortion. These bills gained traction in some legislatures; fortunately, however, no states enacted such provisions.

In addition to the several states that considered bills that would place bans on access to abortion, states also considered and enacted 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, force providers to tell women ideological and factually incorrect information about abortion care, restrict young women's access to abortion services, and place unnecessary and burdensome requirements on abortion providers. Puzzlingly, anti-choice legislators continued their insistence on opposing measures to 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. In addition, several courts upheld anti-choice state provisions in question, further legitimizing these harmful laws and

opening the door for other states to enact similarly restrictive measures.

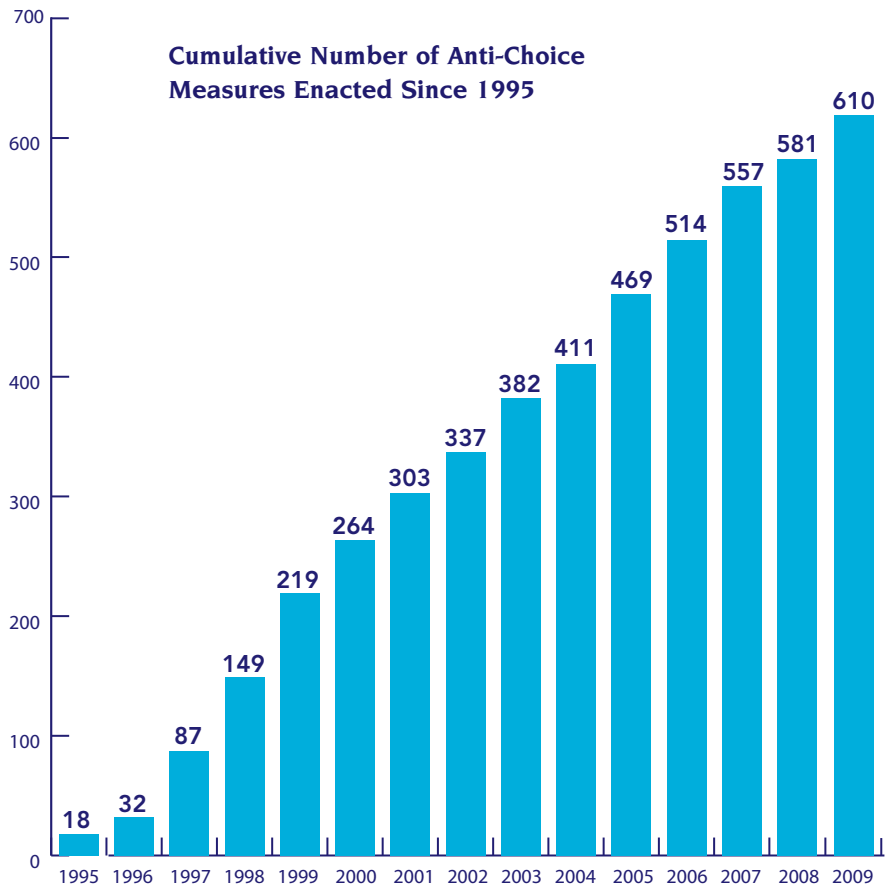
Even with Roe's core protections still in place, 87 percent of counties in the United States have no abortion provider, according to The Guttmacher Institute. But opponents of choice are not satisfied, pushing forward with legislative measures that run the gamut from granting pharmacists the right to refuse to fill birth-control prescriptions to outright bans on abortion in all circumstances, even when a woman's health is in danger.

## *Measures enacted:*

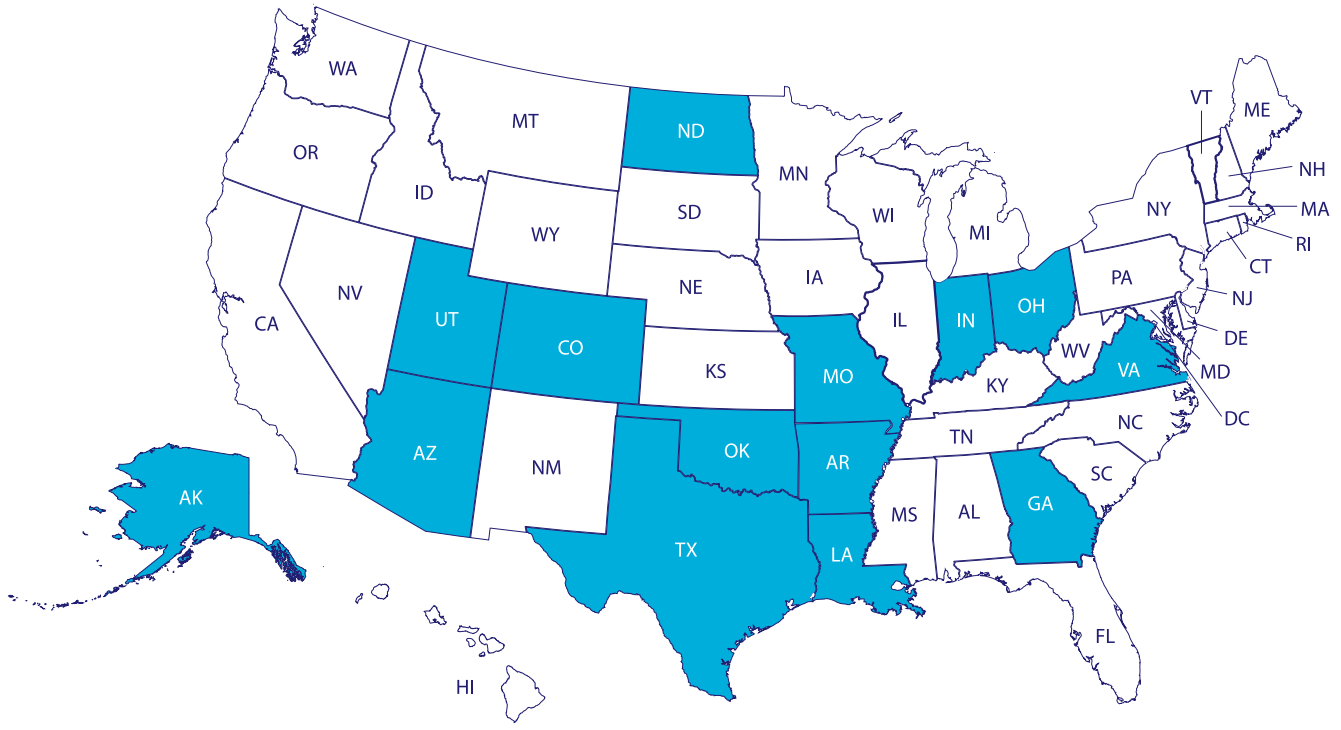
- 14 states enacted 29 anti-choice measures in 2009.
- Arkansas enacted the most anti-choice legislation in 2009, with four measures.
- Between 1995 and 2009, states enacted 610 anti-choice measures—including 29 in 2009 alone.

## *Anti-choice legislation enacted in 2009 included:*

- Both Arkansas and Arizona enacted legislation that bans a safe, medically appropriate abortion procedure with no exception to protect a woman's health. These laws have only limited exceptions to protect a woman's life.
- Arizona enacted an omnibus anti-choice law that, among other things, mandates notarized parental notice prior to a young woman obtaining an abortion, requires women to receive a state-mandated lecture prior to obtaining abortion care and prohibits abortion unless women wait an additional 24 hours after receiving the lecture, forbids certain qualified health-care professionals from providing abortion services, and allows certain individuals or entities to refuse to provide abortion services and to refuse to provide or dispense contraceptives. (A court enjoined several of these provisions in September 2009.)
- Virginia enacted a law that establishes "Choose Life" license plates. A portion of the proceeds from these plates funds anti-choice organizations known as "crisis pregnancy centers" that target women considering abortion and often mislead, coerce, and intimidate them.



States That Enacted Anti-Choice Legislation in 2009



# KEY FINDINGS: Political Findings

## CHOICE POSITIONS OF EXECUTIVES

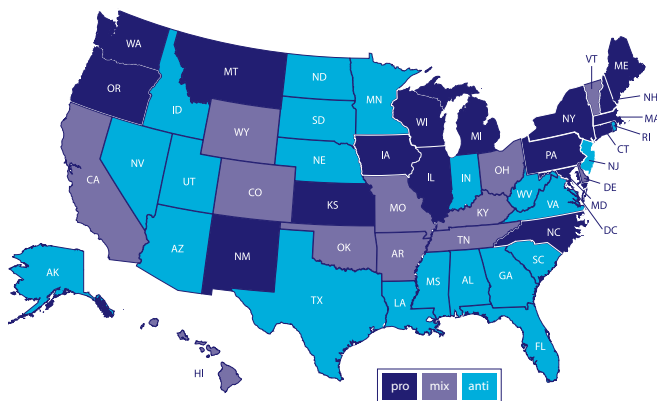
### Federal Government

- President Barack Obama is pro-choice.
- Vice President Joe Biden is mixed-choice.

### Governors

- 17 governors are pro-choice: CT, IL, IA, KS, ME, MD, MA, MI, MT, NH, NM, NY, NC, OR, PA, WA, WI.
- 12 governors are mixed-choice: AR, CA, CO, DE, HI, KY, MO, OH, OK, TN, VT, WY.
- 21 governors are anti-choice: AL, AZ, AK, FL, GA, ID, IN, LA, MN, MS, NE, NV, NJ, ND, RI, SC, SD, TX, UT, VA, WV.
- The choice position of the mayor of the District of Columbia is unknown.

*Choice Positions of Governors*



## CHOICE POSITIONS OF LEGISLATURES

### U.S. Congress

- The choice composition of the U.S. Senate is:
  - 41 pro-choice senators
  - 19 mixed-choice senators
  - 40 anti-choice senators

- The choice composition of the U.S. House is:
  - 185 pro-choice members
  - 47 mixed-choice members
  - 203 anti-choice members

### State Legislatures<sup>1</sup>

- Legislatures that are solidly anti-choice still outnumber solidly pro-choice legislatures:
  - 10 states and the District of Columbia have pro-choice legislatures (both the house and senate are pro-choice): CA, CO, DC (Council), HI, ME, MA, NH, NJ, OR, VT, WA.
  - 16 states have anti-choice legislatures (both the house and senate are anti-choice): AL, AZ, ID, KY, LA, MI, MS, MO, MT, NE, ND, OK, SD, TN, TX, UT.
- Choice composition of state senates:
  - 14 states have a pro-choice senate (and the District of Columbia Council is pro-choice): CA, CO, DE, DC, HI, IA, ME, MA, MN, NH, NJ, OR, VT, WA, WI.
  - 16 states have a mixed-choice senate: AK, AR, CT, FL, GA, IL, KS, MD, NV, NM, NY, NC, PA, SC, VA, WV.
  - 20 states have an anti-choice senate: AL, AZ, ID, IN, KY, LA, MI, MS, MO, MT, NE, ND, OH, OK, RI, SD, TN, TX, UT, WY.
- Choice composition of state houses:
  - 12 states have a pro-choice house: CA, CO, HI, ME, MD, MA, NH, NJ, NY, OR, VT, WA.
  - 17 states have a mixed-choice house: AR, CT, DE, IL, IN, IA, MN, NV, NM, NC, OH, PA, RI, SC, WV, WI, WY.
  - 20 states have an anti-choice house: AL, AK, AZ, FL, GA, ID, KS, KY, LA, MI, MS, MO, MT, ND, OK, SD, TN, TX, UT, VA.

## CHOICE POSITIONS IN THE STATES

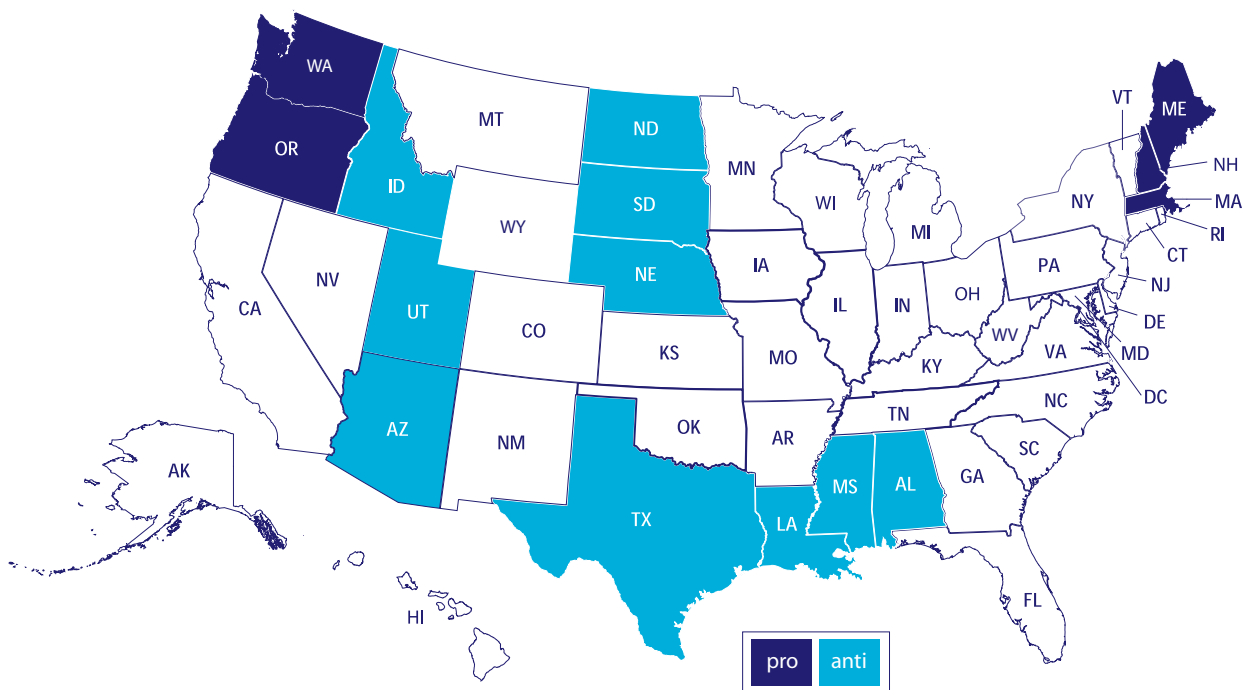
	Pro-Choice	Mixed-Choice	Anti-Choice
Governor	17	12	21
Senate	14*	16	20
House	12	17	20

\*and the District of Columbia

## CHOICE POSITIONS OF STATE GOVERNMENTS

- There are five states with pro-choice governments (both a majority of the legislature and the governor are pro-choice): ME, MA, NH, OR, WA.
- There are 10 states with anti-choice governments (both a majority of the legislature and the governor are anti-choice): AL, AZ, ID, LA, MS, NE, ND, 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.



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



FAST FACTS ABOUT  
**ANTI-CHOICE LAWS**

# Near-Total Abortion Bans

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

**A:** **YES.** If *Roe vs. Wade* were 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 overturned *Roe v. Wade* (sometimes known as “trigger” bans): LA, MS, ND, SD.

## 2009 NOTABLE DEVELOPMENTS

Several states considered so-called “personhood” measures intended to impose near-total bans on abortion by claiming that life begins before medically recognized pregnancy. These bills advanced through the legislatures in some states — even passing one chamber, for example, in North Dakota and Montana — but ultimately pro-choice leaders were able to block them. In addition, anti-choice activists worked to place “personhood” initiatives on state ballots. In November 2008, Colorado voters resoundingly defeated the measure; moving forward, similar proposals are likely to appear on several state ballots in the 2010 election cycle. (Print deadlines precluded inclusion of the Colorado initiative in the 2009 edition of *Who Decides?*)

*This information is current as of October 30, 2009. For updated 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 has no exception when a woman's health is in danger. In April 2007, the Supreme Court declared the ban constitutional, thereby upholding this ban on 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' beliefs above a doctor's medical judgment and would deny some women the health care their doctors believe is safest for them.



## CURRENT STATE LAWS

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

**6** states ban a safe abortion procedure with no health exception: AZ, AR, LA, MO, UT, VA.

**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, with no 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.



## 2009 ENACTED STATE LEGISLATION

**2** states enacted **2** measures that ban a safe, medically appropriate abortion procedure with no exception to protect a woman's health: AZ, AR.



## 2009 NOTABLE CASES

In June 2009, the 11-member Fourth Circuit Court of Appeals upheld Virginia's ban on a safe, pre-viability abortion procedure in *Richmond Medical Center v. Herring*. Ruling on the basis that the Virginia law did not constitute an undue burden on a woman's right to choose under the Supreme Court's new standard, the court reversed an earlier decision issued by a three-member panel that had found the ban's language so vague that it could have outlawed the most common abortion methods as early as the second trimester.



## 2009 NOTABLE DEVELOPMENTS

After the Supreme Court reversed precedent and upheld the Federal Abortion Ban in 2007, observers expected states to rush to enact newly enforceable abortion-procedure bans consistent with the federal law. In 2009, their predictions began to take shape: state legislatures, as well as the courts, approved measures restricting women's access to certain abortion procedures in accordance with the Federal Abortion Ban, as illustrated by the Arizona and Arkansas laws and the Virginia case.

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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. 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 require 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 often 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 child care. Finally, mandatory-delay laws endanger women's health by creating unnecessary burdens that can impede earlier, and therefore safer, abortion care.

## CURRENT STATE LAWS

**32** states have laws that subject women seeking abortion services to biased-counseling requirements and/or mandatory delays: AL, AK, AZ, 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.

■ **8** of these laws have been found fully or partially unconstitutional by courts: AZ, DE, KY, MA, MI, MT, SD, TN.

## 2009 ENACTED STATE LEGISLATION

**3** states enacted **3** measures related to biased counseling and/or mandatory delays: AZ, ND, UT.

## 2009 NOTABLE CASES

In August 2009, on remand from the Eighth Circuit Court of Appeals, a federal district court ruled in *Planned Parenthood MN, ND, SD v. Rounds* that South Dakota's biased-counseling law was partially enforceable and partially unenforceable. The law, passed in 2005, required providers to tell a woman that abortion ends "the life of a whole, separate, unique, living human being," that she has a relationship with the "unborn human being," and that abortion increases the likelihood of suicide. The most recent decision upheld the portion of the law forcing providers to tell the woman that abortion ends "the life of a whole, separate, unique, living human being," but struck down the portions relating to the relationship with the "unborn human being" and the increased risk of suicide.

In September 2009, in *Planned Parenthood Arizona, Inc. v. Goddard*, a state superior court blocked portions of Arizona's new biased-counseling/mandatory-delay law. The decision allows the state to enforce a new 24-hour mandatory delay before women can access abortion services, but enjoins a provision that the state-mandated counseling and materials be provided in person, thereby blocking enforcement of a two-trip requirement.

## 2009 NOTABLE DEVELOPMENTS

Not satisfied with the current biased counseling to which women seeking abortion services are subjected, anti-choice legislators have been pushing to add even more ideological language. The South Dakota law at issue in *Planned Parenthood MN, ND, SD v. Rounds* requiring providers to tell women that abortion ends "the life of a whole, separate, unique, living human being" has become a model for other states. In 2009, North Dakota enacted a law with identical language. Both houses of the Kansas legislature also passed a bill with the same provision; it was blocked only because then-Gov. Kathleen Sebelius vetoed it.

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# 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, hinder 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

**20** 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, TX, VA, WI.

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

## CURRENT FEDERAL LAWS

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.

## 2009 FEDERAL ACTION

In January 2009, President Obama issued an executive order repealing the global gag rule. This harmful Bush-era policy prohibited the U.S. Agency for International Development from granting family-planning funds to any overseas health center unless it agreed not to use any funds—including its own, private, non-U.S. funds—to provide, counsel, or refer women for abortion care, or from taking a pro-choice position. Following the repeal of the global gag rule, anti-choice senators attempted to reimpose it legislatively, but failed. In separate action, pro-choice senators voted in committee to include a provision permanently blocking the imposition of the global gag rule by a future president; as of this publication’s printing, the full Senate had not yet voted on this measure.

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# 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.



## 2009 FEDERAL ACTION

In November 2009, the House passed an amendment to health-reform legislation that imposes sweeping new limitations on women's access to abortion coverage, including restrictions that would, if enacted, make it virtually impossible for women to purchase insurance plans with abortion coverage in the new health-care system, even with their own, private funds. (During committee consideration of the House and Senate bills, several similar amendments were offered as well.) In the current system, nearly 90 percent of private plans cover abortion services. The Senate voted down such a provision, but at the time of this publication's printing, had not yet completed its version of the bill, so the final result is unknown at this point.



## 2009 NOTABLE CASES

Of the 17 states listed above, five allow women to purchase abortion coverage only by a separate rider at an additional cost: ID, KY, MO, ND, OK. However, the experiences in these states are not promising. Recent research conducted in North Dakota by the National Women's Law Center found that the private health plan that holds the state's overwhelming share of the health-insurance market (91 percent) does not offer a rider for abortion coverage. In fact, the state insurance department has no record of abortion riders from any of the leading five individual insurance plans in North Dakota from at least the past decade.

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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 broadly to 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 federal laws allow health-care employees and 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, which eliminates federal, state, and local governments’ ability to ensure that abortion care and referrals are available. Under this law, 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 law.

In addition, in 2009 a Department of Health and Human Services regulation pertaining to refusal rights, proposed by the Bush administration, went into effect. The regulation expands the ability of health-care entities and providers to refuse to provide, cover, or refer for medical services. The Obama administration took the first step toward rescinding the regulation in March 2009, but as of this publication’s printing it remains in effect.

## 2009 ENACTED STATE LEGISLATION

**2** states enacted **2** measures modifying existing laws that allow certain individuals or entities to refuse to provide women specific reproductive-health services, information, or referrals: AZ, LA. Arizona’s new law expands on state abortion refusal rights and adds provisions to allow hospitals, pharmacies, and individuals to refuse to provide birth control. Louisiana’s new law limits the state’s abortion refusal rights by including provisions that account for patients’ access to health-care services and information.

## 2009 FEDERAL ACTION

During the health-care reform debate, anti-choice lawmakers attempted to insert several broad refusal clauses into the legislation. Lawmakers in the House passed a bill that codifies the refusal laws already in place for the new health-care system; as of this publication’s printing, the Senate had not yet finalized its version of the bill. Anti-choice senators have threatened, however, to offer measures that would grant broad license to health-care providers and entities (including hospitals, HMOs, and insurance companies) to refuse to provide or cover any medical services — including birth control. Such measures even would allow providers to refuse to offer basic information about patients’ health-care options.

In addition, in April the Senate voted down an amendment to the budget resolution that would have enshrined the principles of a broad refusal law in the context of health reform.

## 2009 NOTABLE CASES

In September 2009, in *Planned Parenthood Arizona, Inc. v. Goddard*, a state superior court blocked the refusal provisions newly enacted in Arizona. The decision blocks the state’s addition of a refusal clause allowing providers to opt out of providing contraception and the state’s expansion of its abortion refusal clause.

## 2009 NOTABLE DEVELOPMENTS

Despite several laws at the federal level and in 47 states protecting provider rights to refuse services, anti-choice lawmakers continue to push for even broader refusal clauses. Legislators in several states introduced bills that would jeopardize women’s access to birth control and allow entire health-care corporations to deny basic services. In addition to the law that passed in Arizona this year, states such as Rhode Island and Hawaii introduced wide-sweeping measures that would allow insurance companies to refuse to cover even birth control.

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

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

**A:** All women should have access to reproductive-health care regardless of their economic status, but discriminatory 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 fund abortion services for low-income women beyond federal restrictions: 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.



## 2009 ENACTED STATE LEGISLATION

**2** states enacted **2** measures restricting low-income women's access to abortion: AK, CO.



## 2009 FEDERAL ACTION

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

In 2009, however, lawmakers in the House and Senate voted for a bill that repeals the restriction on the District of Columbia's ability to offer abortion care to low-income women.

In addition, the House passed a health-reform bill that imposes sweeping new restrictions on funding for abortion care. It forbids abortion coverage in the proposed new system for both low-income and middle-income women with subsidies, and bans such coverage entirely in the proposed public plan. It forces subsidized customers who want abortion coverage to purchase a supplemental policy at an additional cost — an illogical proposal given that women do not plan to need abortion services and that low-income women cannot afford to spend added funds on a single-service health plan. The full Senate had not yet acted on the health-reform bill as of this publication's printing, so the outcome of this measure is also yet to be determined.

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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. 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. Of course, most parents hope their daughters will seek out their advice and support, but responsible parents want, above all, for their daughters to be safe.

## CURRENT STATE LAWS

**43** states have parental-notice or -consent laws that restrict young women's access to abortion: 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.

■ **23** states require parental consent: AL, AK, AZ, AR, CA, ID, IN, KY, LA, ME, MA, MI, MS, MO, NM, NC, ND, OH, PA, RI, SC, TN, WI.

■ **15** states require parental notice: CO, DE, FL, GA, IL, IA, KS, MD, MN, MT, NE, NV, NJ, SD, WV.

■ **5** states require both parental notice and consent: OK, TX, UT, VA, WY.

■ **11** states that have parental-notice and/or -consent laws permit other trusted adults to stand in for a parent: AZ, CO, DE, IL, IA, ME, NC, PA, SC, VA, WI.

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



## 2009 ENACTED STATE LEGISLATION

In July 2009, Arizona passed a law that mandates notarized parental consent in order for a young woman to obtain abortion care. This amends current state law. A pending court case blocked this provision. (For more details, read the "2009 Notable Cases" section below.)



## 2009 FEDERAL ACTION

In 2009, lawmakers in the House of Representatives reintroduced yet again 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.



## 2009 NOTABLE CASES

On July 14, 2009, the Seventh Circuit Court of Appeals, in *Zbaraz v. Madigan*, dissolved an injunction that had been in place since 1984, enjoining the enforcement of Illinois' Parental Notice of Abortion Act of 1983. Although the Illinois General Assembly later repealed the 1983 law and passed a new version in 1995, that version also was challenged on constitutional grounds and the injunction remained in effect by agreement of the parties. The Seventh Circuit Court of Appeals ruled that the judicial-bypass procedure put in place under the 1995 law is sufficient. On August 5, the state Medical Disciplinary Board, the agency responsible for enforcement, was granted a 90-day moratorium to allow medical practitioners to become familiar with the requirements of the law. On November 4, a state-court judge issued a temporary restraining order that will remain in effect until arguments are heard. At the time of publication the law had still not gone into effect.

In *Planned Parenthood Arizona, Inc. v. Goddard*, a Maricopa County Superior Court judge accepted many of the legal arguments offered by Planned Parenthood Arizona, Inc. and blocked enforcement of some portions of a new measure that would have imposed unprecedented restrictions on women seeking abortion care. One of the provisions blocked was a requirement for notarized parental consent in order for young women to obtain abortion care. At the time of publication, this injunction remained in effect.

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# Restrictions on Young Women's Access to Abortion

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## 2009 NOTABLE DEVELOPMENTS

Young women's ability to access confidential abortion care is still a major target for anti-choice lawmakers and activists, despite the fact that many states already have parental-involvement laws. Anti-choice lawmakers have been thus far unsuccessful in passing stand-alone federal legislation on this point but persist in seeking legislative opportunities to do so — such as when they filed a version of the "Child Interstate Abortion Notification Act" to a bill reauthorizing the State Children's Health Insurance Program. (Thankfully, the amendment did not come up.) Furthermore, states continue to chip away at young women's rights. In addition to the judicial action discussed above, in two states that have unconstitutional and unenforceable parental-involvement laws on the books — Alaska and California — anti-choice activists have filed parental-notification and waiting-period initiatives to be on the ballot in 2010. All told, anti-choice forces continue to look for ways to erode young women's access to abortion care.

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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 are victims of 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.

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## CURRENT STATE LAWS

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



## 2009 NOTABLE DEVELOPMENTS

In 2009, Ohio introduced a spousal-consent bill that would have required a woman to obtain permission from the man involved in the pregnancy before she could get an abortion. If she did not know the man's identity, she would be compelled to pay for and participate in a paternity test. To make matters worse, if she did not get the signed permission of the man involved, or present a man not responsible for the pregnancy with the permission slip, she would be guilty of "abortion fraud," which is a first-degree misdemeanor, and could serve six to 12 months in jail if found guilty.

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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 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 physicians' offices, require doctors to obtain medically unnecessary additional licenses, needlessly convert their practices into mini-hospitals at 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 providing abortion care.
- **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.



## 2009 ENACTED STATE LEGISLATION

**1** state enacted **1** measure that subjects abortion providers to burdensome restrictions not applied to other medical professionals: AZ.



## 2009 NOTABLE CASES

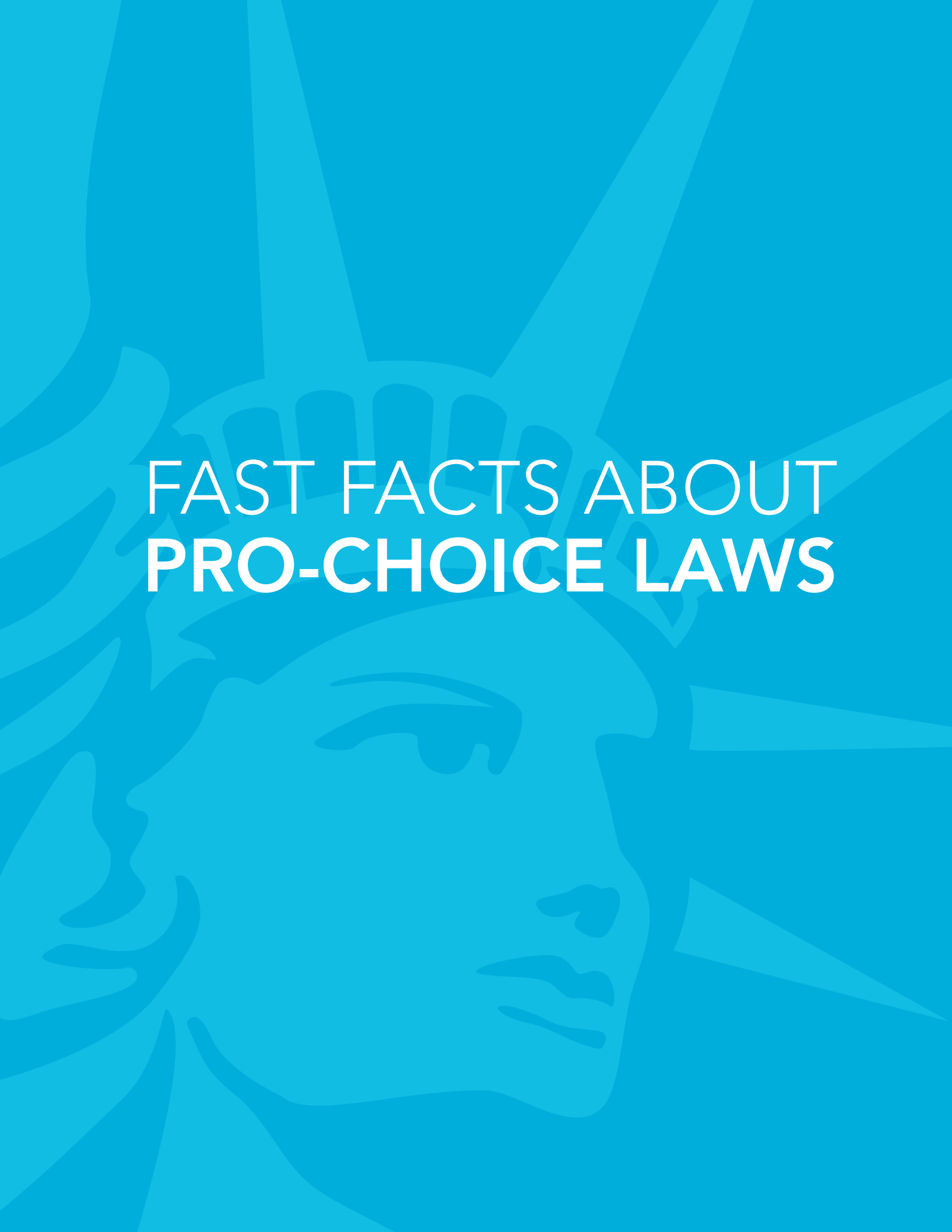
In September 2009, in *Planned Parenthood Arizona, Inc. v. Goddard*, a state superior court temporarily enjoined Arizona's new law prohibiting certain qualified health-care professionals from providing abortion care.



## 2009 NOTABLE DEVELOPMENTS

The South Dakota Senate considered a bill that would have required physicians providing abortion care to be physically present in the town where the surgery would take place 24 hours in advance of the procedure. Because no local doctors currently provide abortion services in South Dakota, doctors must travel there from other states. Mandating that physicians arrive a day early but not provide medical care during that time would have unnecessarily increased a medical facility's operational expenses, and thereby, increased the cost of an abortion. Had the bill been enacted, it could have made it impossible for doctors who work in multiple states during the week to provide care to South Dakotan women, effectively resulting in a statewide abortion ban.

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# 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 medications, 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.



## 2009 ENACTED STATE LEGISLATION

**1** state enacted **1** measure that would require all state insurance plans that cover prescription medication to include coverage for prescription contraceptives: WI.



## 2009 FEDERAL ACTION

Pro-choice lawmakers sponsored the Prevention First Act to ensure that prescription contraceptives are covered equally with other prescription drugs and related medical services. This bill is the cornerstone of the pro-choice *Prevention First* agenda which aims to prevent unintended pregnancies, and therefore, reduce the need for abortion.



## 2009 NOTABLE DEVELOPMENTS

In 2009, Wisconsin approved a provision in the state budget that explicitly requires all insurance plans that cover prescription medication to include equitable coverage for contraception. Wisconsin's new contraceptive-equity law is in addition to a 2004 ruling by the state Equal Rights Division that an employer's failure to cover contraceptives constitutes sex discrimination in violation of the Fair Labor Employment Act.

*This information is current as of October 30, 2009. For updated 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).*

# 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. The Food and Drug Administration (FDA) has approved emergency contraception for over-the-counter sales for individuals aged 17 and over. However, many women do not know about EC, and anti-choice groups have fought efforts to improve access to it.

## CURRENT STATE LAWS

**22** states and the District of Columbia have **34** laws and/or policies that improve women's access to EC: AK, AR, CA, CO, CT, DC, HI, IL, ME, MD, MA, MN, NH, NJ, NM, NY, OK, OR, SC, UT, VT, WA, WI.

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

## 2009 ENACTED STATE LEGISLATION

**1** state and the District of Columbia enacted **2** measures improving sexual-assault survivors' access to EC in hospitals: DC, UT.

## 2009 FEDERAL ACTION

Lawmakers have sponsored a number of pieces of pro-choice legislation related to EC, including bills to ensure that EC is offered to sexual-assault survivors in hospitals and to make EC available to women in the military. The Prevention First Act also contains several provisions that would improve women's access to EC. Unfortunately, anti-choice lawmakers have blocked these measures.

## 2009 NOTABLE CASES

In March 2009, in *Tummino v. von Eschenbach* (formerly *Tummino v. Crawford*), a U.S. district court ordered the FDA to reconsider its controversial decision to limit over-the-counter access to the emergency contraceptive Plan B® to adults age 18 and older, finding that the age restriction was based on politics and ideology, not scientific evidence. The decision required that Plan B® be made available to 17-year-olds over the counter, without a prescription, and in April 2009, the FDA announced that it would comply with this ruling. In addition, the ruling charged the agency to reassess whether to make the medication available to individuals of all ages without a prescription.

## 2009 NOTABLE DEVELOPMENTS

In June 2009, the FDA approved the first-ever generic version of the emergency contraceptive Plan B® for prescription use for individuals ages 17 and under. In August, the FDA approved the generic medication for over-the-counter use for individuals 17 and over.

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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).*

# 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 sharply limited some of *Roe's* protections and could someday eliminate them entirely. A Freedom of Choice Act (FOCA) 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 FOCA's—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 FOCA in place, Congress would be able to ban abortion in some or all circumstances 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.



## 2009 NOTABLE DEVELOPMENTS

In 2009, 11 states (AL, GA, IL, IN, LA, MO, MT, NE, ND, OH, OK) considered 15 non-binding resolutions opposing the federal Freedom of Choice Act. Four states approved five resolutions: GA, MO, ND, OK.

Given that FOCA had not even been reintroduced in Congress at the time of these measures' introduction and passage, it seems clear that the anti-FOCA campaign was a transparent attempt by anti-choice activists and legislators to shift focus from their opposition to the pro-choice community's prevention agenda.

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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. 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

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

■ **Washington's** rule also requires pharmacies to dispense over-the-counter emergency contraception.



## 2009 ENACTED STATE LEGISLATION

**1** state enacted **1** measure guaranteeing that women's birth-control prescriptions will be filled: WI.



## 2009 NOTABLE CASES

In November 2007, in *Storman's Inc. v. Selecky*, the U.S. 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 drugs and devices approved by the Food and Drug Administration. In July 2009, the Ninth Circuit Court of Appeals lifted the injunction and the law took effect immediately, but the case was remanded back to the district court for further consideration.

In December 2008, in *Morr-Fitz, Inc. v. Blagojevich*, the Supreme Court of Illinois reversed a lower court's dismissal of pharmacists' challenge to the Illinois rule guaranteeing women's access to birth-control prescriptions, sending the case back to the lower courts without ruling on the merits of the regulation. In April 2009, a county circuit court judge issued a temporary restraining order against the statute as it applies to the pharmacies who are parties to the suit, until the judge hears the pharmacists' objections.



## 2009 NOTABLE DEVELOPMENTS

In the face of laws — including a federal rule that went into effect just this year — that allow providers broad license to refuse to provide basic medical services, pro-choice measures that guarantee women's access to birth control have become even more essential. Considering that the vast majority of women use birth control at some point in their lives, access to this basic and necessary medication should be routine, not subject to government or corporate interference.

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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).*

# 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 services through a waiver obtained from the 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.



## 2009 FEDERAL ACTION

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 also included a provision in health-reform bills that would allow states to expand access to Medicaid family-planning services for low-income women without having to obtain a waiver. The House passed a health-reform bill that incorporated this measure; the Senate bill sent to the floor for debate also included it, but as of this publication's printing, the Senate had not yet voted on its version of the bill.

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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 LAWS

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.



## 2009 ENACTED STATE LEGISLATION

**1** state enacted **1** measure that would extend its current clinic-violence protection law to protect reproductive-health professionals at their residences: NC.



## 2009 NOTABLE DEVELOPMENTS

On May 31, Dr. George Tiller, an abortion provider in Kansas, was murdered while serving as an usher in his church. Dr. Tiller's death marks the first murder of an abortion provider since the killing of Dr. Barnett Slepian in 1988. In response, the Department of Justice, in coordination with the office of the Sedgwick County District attorney (KS), launched a federal investigation into the case to assess potential violations of the FACE Act and/or other federal statutes.

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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, allowing politicians and others to infringe 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.



**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.

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

Vice President 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, 2009. For up-to-date information and detailed summaries, please visit the federal Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Federal law bans 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 health-insurance plans in the Federal Employees Health Benefits Program that cover prescription medication 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, 2009. 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 abortion services 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Alabama restricts post-viability abortion.

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

# ALASKA

## Alaska Political Information

### EXECUTIVE

Governor Sean Parnell (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, 2009. 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 abortion services 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

# A<sup>-</sup>

## 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

# D+

## ACCESS FACT

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

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

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## Arizona Political Information

### EXECUTIVE

Governor Jan Brewer (R) is *anti-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, 2009. For up-to-date information and detailed summaries, please visit Arizona's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Arizona bans a safe abortion procedure and has an unconstitutional and unenforceable near-total criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Arizona has a partially unconstitutional and unenforceable law that subjects women seeking abortion services to biased-counseling requirements and mandatory delays.

### 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 abortion services.

### REFUSAL TO PROVIDE MEDICAL SERVICES

Arizona has a partially unconstitutional and unenforceable law that 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 medication 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 family-planning 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 abortion.

[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 *mixed-choice*.

The Arkansas House is *mixed-choice*.

## Arkansas Laws in Brief

*This information is current as of November 30, 2009. For up-to-date information and detailed summaries, please visit Arkansas' Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BANS

Arkansas bans a safe abortion procedure and has an unconstitutional and unenforceable near-total criminal ban on abortion.

### BIASED COUNSELING & MANDATORY DELAY

Arkansas law subjects women seeking abortion services 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 medication 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Arkansas restricts post-viability abortion.

## 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

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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 abortion.

## 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, 2009. 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 providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

California law requires health-insurance plans that cover prescription medication 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 family-planning 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, 2009. 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 abortion services.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Colorado prohibits certain qualified health-care professionals from providing abortion care.

## 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

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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

### NARAL PRO-CHOICE CONNECTICUT

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## Connecticut Political Information

### EXECUTIVE

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

### LEGISLATURE

The Connecticut Senate is *mixed-choice*.

The Connecticut House is *mixed-choice*.

## Connecticut Laws in Brief

*This information is current as of November 30, 2009. 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 medication 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 abortion.

### 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 *mixed-choice*.

## Delaware Laws in Brief

*This information is current as of November 30, 2009. 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 abortion services 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 providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Delaware law requires health-insurance plans that cover prescription medication 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

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

## 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, 2009. 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 providing abortion care.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

The District of Columbia allows some women greater access to emergency contraception (EC).

### 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, 2009. 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 abortion services 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Florida restricts post-viability abortion.

## 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, 2009. 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 abortion services 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 medication to provide the same coverage for contraception.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Georgia restricts post-viability abortion.

[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, 2009. 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 providing abortion care.

## 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, 2009. 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 abortion services 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 providing abortion care, 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 abortion.

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

# ILLINOIS

## Illinois Political Information

### EXECUTIVE

Governor Pat Quinn (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, 2009. 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 law 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 abortion care.

### 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 medication 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 family-planning 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 abortion.

[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, 2009. 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 abortion services 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 abortion.

[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 *mixed-choice*.

## Iowa Laws in Brief

*This information is current as of November 30, 2009. 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 providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Iowa law requires health-insurance plans that cover prescription medication 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Iowa restricts post-viability abortion.

## 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 Mark Parkinson (D) is *pro-choice*.

### LEGISLATURE

The Kansas Senate is *mixed-choice*.

The Kansas House is *anti-choice*.

## Kansas Laws in Brief

*This information is current as of November 30, 2009. 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 abortion services 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 abortion services.

### 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 abortion.

[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, 2009. 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 abortion services 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 abortion services.

### 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 abortion care.

### 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 abortion.

## 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 abortion.

## 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, 2009. 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 abortion services 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 abortion services.

### 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 abortion care.

### 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 family-planning 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, 2009. 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 in some cases and mandating counseling before a young woman may obtain abortion care.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

Maine prohibits certain qualified health-care professionals from providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Maine law requires health-insurance plans that cover prescription medication 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 abortion.

## 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

### NARAL PRO-CHOICE MARYLAND

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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, 2009. 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 providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Maryland law requires health-insurance plans that cover prescription medication 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 family-planning 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, 2009. 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 abortion services 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 providing abortion care, 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 medication 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

### NARAL PRO-CHOICE MASSACHUSETTS

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## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Massachusetts restricts post-viability abortion.

[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, 2009. 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 abortion services 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 medication 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 family-planning 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 abortion.

[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, 2009. 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 abortion services 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 family-planning 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 abortion.

## GRADE

# C+

## ACCESS FACT

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

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE MINNESOTA

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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, 2009. 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 abortion services 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 abortion services.

### 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 family-planning services.

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

# MISSOURI

## Missouri Political Information

### EXECUTIVE

Governor Jay Nixon (D) 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, 2009. 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 abortion services 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 abortion services.

### 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 medication 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Missouri restricts post-viability abortion.

## 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

### NARAL PRO-CHOICE MONTANA

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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 *anti-choice*.

## Montana Laws in Brief

*This information is current as of November 30, 2009. 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 abortion services 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 medication 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 abortion.

[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, 2009. 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 abortion services 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 providing abortion care.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Nebraska restricts post-viability abortion.

## 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, 2009. 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 medication 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 abortion.

[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, 2009. 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 medication 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

#### NARAL PRO-CHOICE NEW HAMPSHIRE

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# NEW JERSEY

GRADE

# A-

ACCESS FACT

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

SOURCE: GUTTMACHER INSTITUTE

## New Jersey Political Information

### EXECUTIVE

Governor Chris Christie (R) is *anti-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, 2009. 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 medication 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 *mixed-choice*.

## New Mexico Laws in Brief

*This information is current as of November 30, 2009. 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 providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

New Mexico law requires health-insurance plans that cover prescription medication 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 family-planning 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 abortion.

## GRADE

# A<sup>-</sup>

## ACCESS FACT

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

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE NEW MEXICO

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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

### NARAL PRO-CHOICE NEW YORK

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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, 2009. 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 providing abortion care, 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 medication 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 family-planning 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 abortion.

[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, 2009. 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 medication 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 family-planning 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 abortion.

## GRADE

# D<sup>+</sup>

## ACCESS FACT

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

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE NORTH CAROLINA

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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, 2009. 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 abortion services 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 abortion services.

### 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 abortion services.

### TARGETED REGULATION OF ABORTION PROVIDERS (TRAP)

North Dakota prohibits certain qualified health-care professionals from providing abortion care, 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 abortion.

[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, 2009. 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 abortion services 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 abortion.

## 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, 2009. 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 abortion services 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 abortion services.

### 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 providing abortion care, 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Oklahoma restricts post-viability abortion.

[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, 2009. 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 medication 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 family-planning 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 *mixed-choice*.

The Pennsylvania House is *mixed-choice*.

## Pennsylvania Laws in Brief

*This information is current as of November 30, 2009. 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 abortion services 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 abortion services.

### 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 abortion services.

### 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Pennsylvania restricts post-viability abortion.

[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 *mixed-choice*.

## Rhode Island Laws in Brief

*This information is current as of November 30, 2009. 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 abortion services 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 abortion services.

### 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 medication 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Rhode Island restricts post-viability abortion.

## 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 abortion.

## 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, 2009. 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 abortion services 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 abortion care.

### 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 family-planning 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, 2009. 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 has a partially unconstitutional and unenforceable law that subjects women seeking abortion services 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 abortion.

## 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, 2009. 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 abortion services 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 providing abortion care, 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 abortion.

[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, 2009. 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 abortion services to biased-counseling requirements and mandatory delays.

### COUNSELING BAN/GAG RULE

Texas prohibits certain state employees and organizations receiving state funds from counseling or referring for abortion services.

### 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Texas restricts post-viability abortion.

## 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 Gary Herbert (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, 2009. 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 abortion services 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.

## Pro-Choice Laws

### EMERGENCY CONTRACEPTION

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

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Utah has an unconstitutional and unenforceable law restricting post-viability abortion.

[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, 2009. 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 medication 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 Bob McDonnell (R) is *anti-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, 2009. For up-to-date information and detailed summaries, please visit Virginia's Who Decides? web page.*

## Anti-Choice Laws

### ABORTION BAN

Virginia bans a safe abortion procedure.

### BIASED COUNSELING & MANDATORY DELAY

Virginia law subjects women seeking abortion services 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Virginia restricts post-viability abortion.

[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, 2009. 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 providing abortion care.

## Pro-Choice Laws

### CONTRACEPTIVE EQUITY

Washington law requires health-insurance plans that cover prescription medication 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 a 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 family-planning 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 abortion.

## GRADE

# A<sup>+</sup>

## ACCESS FACT

**67** percent of Washington counties have no abortion provider

SOURCE: GUTTMACHER INSTITUTE

## STATE AFFILIATE

### NARAL PRO-CHOICE WASHINGTON

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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, 2009. 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 abortion services 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 medication 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, 2009. 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 abortion services 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 medication to provide the same coverage for contraception.

### EMERGENCY CONTRACEPTION

Wisconsin allows some women greater access to emergency contraceptive (EC).

### GUARANTEED ACCESS TO PRESCRIPTIONS

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

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

Wisconsin provides certain low-income women increased coverage for Medicaid-funded family-planning services.

### PROTECTION AGAINST CLINIC VIOLENCE

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

## GRADE

# C-

## 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 abortion.

[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 *anti-choice*.

The Wyoming House is *mixed-choice*.

## Wyoming Laws in Brief

*This information is current as of November 30, 2009. 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 providing abortion care.

### 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 family-planning services.

## Other Related Laws

### POST-VIABILITY ABORTION RESTRICTION

Wyoming restricts post-viability abortion.

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



# 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 “measures enacted” to refer to statutes and resolutions adopted by the legislature. “Laws” refers to constitutional provisions, statutes, regulations, court decisions, and opinions of state attorneys general.

NARAL Pro-Choice America Foundation 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. 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 12 years, *Who Decides?* has used a 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.

### 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 medication; 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.



# METHODOLOGY

## **Counseling Ban/Gag Rule (+ up to 10 points)**

Points were added if the ban applies to counseling and/or referring; if 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 if the state allows sexual-assault survivors greater access to emergency contraception (EC) in emergency rooms (ER) (receiving EC in the ER and/or receiving information about EC in the ER), if the state's Medicaid program covers over-the-counter EC, and if pharmacists are allowed to provide 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 if the law prohibits insurance coverage for abortion for all or some public funds or employees; if the law prohibits abortion coverage unless an extra premium is paid; if 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 for the lack or 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 if 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 if all or some public employees and/or facilities are prohibited from providing abortion services and the exceptions included in the law.

## **Refusal to Provide Medical Services (+ up to 20 points)**

Points were added if 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 if 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 based on the following considerations: the totality of TRAP laws imposed, whether a state restricts the provision of abortion care to physicians, and whether laws are in effect. (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% 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.*

## ACKNOWLEDGMENTS

NARAL Pro-Choice America Foundation Policy Department researched and wrote this study. The Policy Department staff for the 2010 edition of *Who Decides? The Status of Women's Reproductive Rights in the United States* includes: Policy Director Donna Crane; Senior Policy Representative Marie Williams; Policy Representative/General Counsel Lissy Moskowitz; Policy Representatives Stacie Weeks and Sarah Rich; and Policy Associates Kate Vlach, Rachel Tabakman, and Emily Gardner. Many other members of the NARAL Pro-Choice America Foundation staff provided invaluable assistance.

President Nancy Keenan, along with the board of directors of NARAL Pro-Choice America Foundation, provided support and encouragement. NARAL Pro-Choice America Foundation state affiliates and coalition partners, including the American Civil Liberties Union and affiliates, Planned Parenthood Federation of America and affiliates, the Family Planning Council of Iowa, Idaho Women's Network, Maine Women's Lobby, Nevada Women's Lobby, and the New Morning Foundation, provided valuable information. Countless others, particularly in state Medicaid offices and courts across the country, patiently answered requests for documents and information. We also appreciate the continued fine work of our graphic designers, Do Good Design, and our printer, Mount Vernon Printing.

The generous financial support of the Robert Sterling Clark Foundation made this report possible. NARAL Pro-Choice America Foundation assumes sole responsibility for the content of the 19th edition of *Who Decides?*

## 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 acted upon, or cases decided, after the date this book went to press. Systematic bill- and case-tracking concluded on October 30, 2009.

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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



In Minnesota, **we have only one abortion provider serving women outside the metro area.**

With the 24-hour mandatory-delay law, Minnesota women are forced to drive hundreds of miles, sometimes for TWO full days, to exercise their legal right to choose. The shortage of providers, in conjunction with other anti-choice laws, hinders health-care access for women who live in rural areas.

—NARAL PRO-CHOICE MINNESOTA

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In Washington, this year we strengthened our Healthy Youth Act, requiring that the **education programs taught in Washington schools are comprehensive, medically accurate, and proven effective.** As a result, more young people have the information they need to make safe and healthy decisions.

—NARAL PRO-CHOICE WASHINGTON

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In 2009, the Colorado legislature passed laws improving low-income women's access to affordable contraceptives and prenatal care, helping **to prevent unintended pregnancy and support healthy pregnancies.** Pro-choice advocates in Colorado also worked tirelessly to increase contraceptive use by women at high risk for unintended pregnancy and to improve reproductive-health services in urban communities – cementing Colorado's role as a leader in proactive change that turns **pro-choice principles into action.**

—NARAL PRO-CHOICE COLORADO





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