

Bans Based on the Reason a Person May Seek Abortion Care

The anti-choice movement pushes bans on abortion in cases of race, sex selection, or fetal diagnosis, sometimes called “reasons bans,” under the guise of anti-discrimination. These bans often force providers to interrogate a person’s motives for seeking an abortion and hold providers legally liable depending on why someone is seeking care. These bans baselessly promote the idea that people who seek abortion care have discriminatory intent, whether racist, sexist, or ableist. Making such arguments allows anti-choice activists to co-opt movements for racial, gender, and disability justice despite the reality that their proposed policies do nothing to promote equality or prevent discrimination.

These bans only serve to further restrict access to care, particularly for people of color and those with low incomes. Instead of addressing discrimination or inequality, the anti-choice narrative around these bans encourages discrimination by perpetuating harmful and inaccurate stereotypes about Black and Brown people, Asian Americans and Pacific Islanders, as well as people with disabilities.

The U.S. Supreme Court recently heard *Dobbs v. Jackson Women’s Health Organization*, a case involving Mississippi’s 15-week abortion ban that directly challenges *Roe v. Wade* and violates nearly 50 years of precedent. This pivotal case underscores the dire threats that reproductive freedom and abortion access in the United States currently face. There is no path for the Court to uphold Mississippi’s ban without overturning *Roe*. If *Roe* were to fall, bans on abortion based on the reason a person may seek abortion care, previously blocked by courts, could go into effect, further eroding access to abortion in states across the country.



STATE MEASURES **RESTRICTING** REPRODUCTIVE FREEDOM

16 STATES ban abortion based on the reason someone is seeking care: **AZ, AR, IN, KS, KY, LA, MS, MO, NC, ND, OH, OK, PA, SD, TN, UT.**

- 6 OF THESE STATES ban abortion if sought because of the race of the pregnancy: **AZ, IN, KY, MS, MO, TN.**
- 13 OF THESE STATES ban abortion if sought because of the sex of the pregnancy: **AZ, AR, IN, KS, KY, MS, MO, NC, ND, OK, PA, SD, TN.**
- 12 OF THESE STATES ban abortion if sought for reasons of fetal diagnosis: **AZ, AR, IN, KY, LA, MS, MO, ND, OH, SD, TN, UT.**

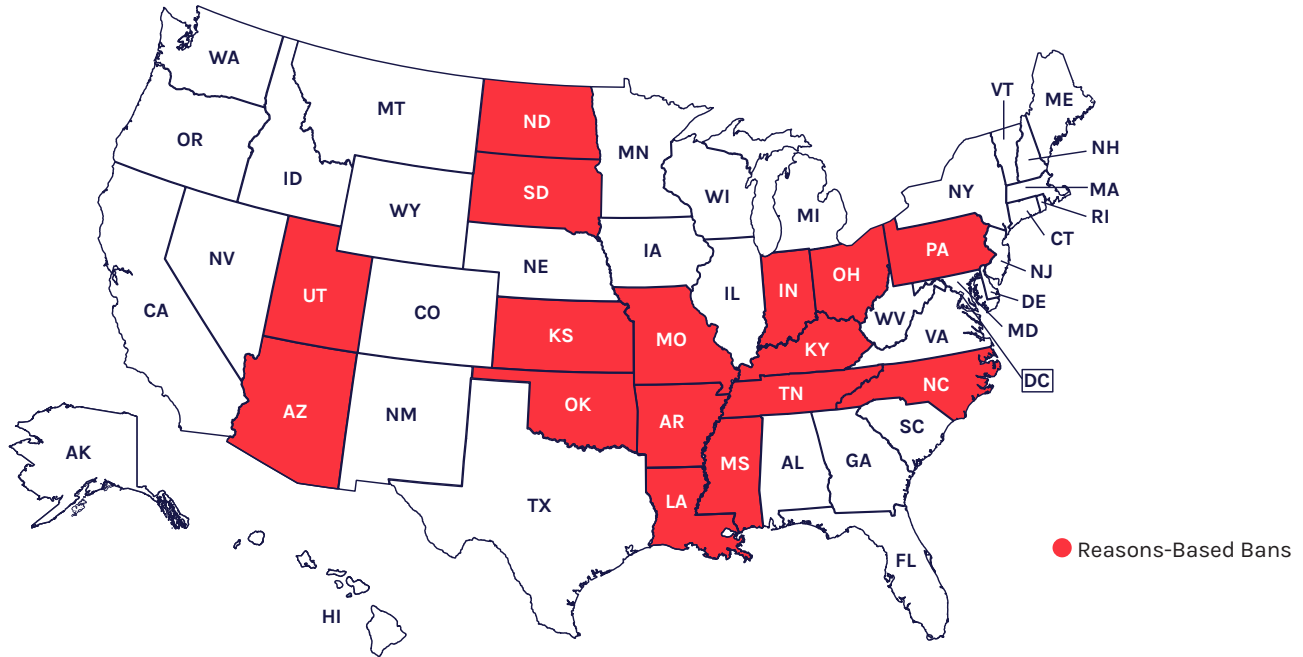
2021 ENACTED STATE MEASURES **RESTRICTING** REPRODUCTIVE FREEDOM

2 STATES enacted a ban on abortion if sought for reasons of fetal diagnosis: **AZ, SD.**

2021 ENACTED STATE MEASURES **EXPANDING** REPRODUCTIVE FREEDOM

2 GOVERNORS vetoed legislation that banned abortion based on the perceived reason a person was seeking care: **NC, WI.**

- Governor Roy Cooper (D-NC) vetoed a bill that that would have required the provider to confirm that the pregnant person is not seeking an abortion because of the race of the fetus or fetal diagnosis.
- Governor Tony Evers (D-WI) vetoed a bill that that would have banned abortion based on the perceived reason a person is seeking care, including race, sex, or fetal diagnosis. Gov. Evers vetoed similar legislation in 2019.



STATE	States With Reason Bans	Bans Based on Race	Bans Based on Sex	Bans Based on Fetal Diagnosis
Alabama				
Alaska				
Arizona	X	X	X	X
Arkansas	X		X	X
California				
Colorado				
Connecticut				
Delaware				
D.C.				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana	X	X	X	X
Iowa				
Kansas	X		X	
Kentucky	X	X	X	X
Louisiana	X			X
Maine				
Maryland				
Massachusetts				
Michigan				
Minnesota				
Mississippi	X	X	X	X
Missouri	X	X	X	X

STATE	States With Reason Bans	Bans Based on Race	Bans Based on Sex	Bans Based on Fetal Diagnosis
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey				
New Mexico				
New York				
North Carolina	X		X	
North Dakota	X		X	X
Ohio	X			X
Oklahoma	X		X	
Oregon				
Pennsylvania	X		X	
Rhode Island				
South Carolina				
South Dakota	X		X	X
Tennessee	X	X	X	X
Texas				
Utah	X			X
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin				
Wyoming				
TOTAL	16	6	13	12

► **Bold** indicates bans currently in effect. Courts have blocked the other bans, but these may go into effect if the Supreme Court overturns *Roe v. Wade* and allows states to ban abortion.