The ROE Act:
Why the fight for reproductive freedom in Massachusetts matters
The Threat to Roe v. Wade One Year After Kavanaugh

States where abortion access is in danger if Roe falls.
The Threat to Roe v. Wade One Year After Kavanaugh

- Gestational Bans Passed to Directly Challenge ROE
  - 9 States
    - Alabama enacted a total ban on abortion.
    - Georgia, Kentucky, Louisiana, Mississippi and Ohio banned abortion at six weeks of pregnancy
    - Missouri banned abortion at eight weeks
    - Arkansas and Utah banned abortion at 18 weeks of pregnancy.
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- Reason Bans Passed to Directly Challenge ROE
  - 15 States
  - Race, Sex, or Genetic Anomaly Ban
  - AZ, AR, IL, IN, KS, KY, LA, MO, NC, ND, OH, OK, PA, SD, UT
In 2019, 29 states demonstrate hostility to abortion rights, while 14 states demonstrate support.
The Threat to Roe v. Wade One Year After Kavanaugh

- Pre-Roe Criminal Abortion Bans
  - 9 States (AL, AZ, AR, MI, MS, NM, OK, WV, WI)

- Trigger Ban: if Roe falls, state outlaws abortion immediately
  - 8 States (AR, KY, LA, MI, MO, ND, SD, TN)
1974: An Act to protect unborn children and maternal health within present constitutional limits.

- Medically inaccurate definitions
  - Unborn child: “the individual human life in existence beginning from the moment of implantation.”
  - Abortion: “the knowing destruction of the life of an unborn child”

- 24 Hour Waiting Period (unenforced)
- Ban on abortion after 24 weeks (life and health exception), including mandates that abortion later in pregnancy be performed in a hospital
- Data collection that violates HIPAA and exposes personal details of physicians
Massachusetts Landscape

- Physician-only law
- Criminal penalties for abortion care
- Parental Consent for teens under 18 years of age

- *Moe v. Secretary of Administration & Finance, 382 Mass. 629, 659 (1981)* ([“T]he challenged restriction is invalid in so far as it prohibits the use of State Medicaid funds to reimburse authorized providers for lawful, medically necessary abortion services rendered to qualified Medicaid recipients.”)

- Backfilling funds lost under the domestic gag rule, which bars providers receiving Title X funds from counseling on or referring for abortion.
The ROE Act

- Puts the right to abortion in state law
  - “The Commonwealth shall not interfere with a person’s personal decision and ability to prevent, commence, terminate, or continue their own pregnancy consistent with this chapter. The Commonwealth shall not restrict the use of medically appropriate methods of abortion or the manner in which medically appropriate abortion is provided.”

- Updates inflammatory and medically inaccurate definitions of abortion and pregnancy in the law which currently define the “unborn child” as existing from the moment of implantation;
  - “Abortion, any medical treatment intended to induce the termination of a clinically diagnosable pregnancy except for the purpose of producing a live birth. The term abortion does not include miscarriage management.”

- Strikes “unborn child”
The ROE Act

- Removes a mandatory 24-hour waiting period for abortion care.
- Establishes safety net coverage for abortion care for people who don’t have health insurance.
- Improves access for young people by ending the onerous judicial bypass system which disproportionately impacts low-income teens and teens of color;
- Allows for abortions after 24 weeks in cases of lethal fetal diagnoses, ensuring medical decisions remain between a patient and their doctor
How can you help us get the ROE Act passed?

- Sign a postcard
- Sign up for our listserv at www.prochoicemass.org
- Contact Rebecca Hart Holder
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