

# ABORTION ACCESS

*“Anti-choice advocates, having had limited success pushing extreme abortion bans at the state and federal levels, are increasingly turning their attention to localities... Activists should be prepared to fight back against these dangerous restrictions and to seize the opportunity to demonstrate how extreme and out-of-choice are opponents are.”*

—“Local Attacks on Women’s Health,” **National Institute for Reproductive Health.**

## **THE PROBLEM**

Abortion is a safe, legal, and commonplace medical procedure.<sup>1</sup> Yet, in the past several years, politicians on the local<sup>2</sup> and state level have taken unprecedented action to restrict access to the procedure, using multiple strategies to make abortion difficult, if not impossible, for many women to access.<sup>3</sup> Depending on the law, these policies have led to the unnecessary closing of well-regulated and safe abortion clinics, made abortion care more expensive for patients by banning insurance coverage, and placed unnecessary regulations on the procedure itself.

## **THE SOLUTION**

Officials at the local level have the opportunity to take measures to protect and expand reproductive rights, as well as begin to turn the tide of harmful legislation, by acting in support of women’s health.

## **POLICY ISSUES**

**PROVIDE LOCAL FUNDING OF ABORTION:** Many women lack insurance coverage of abortion due to state and federal bans on abortion coverage, while others are hesitant to use their insurance to cover the cost of the procedure due to privacy concerns.<sup>4</sup> As a result, the cost of an abortion procedure can be a major obstacle, particularly for young and/or low-income women. In Texas, the **Travis County** Board of Commissioners

provided abortion coverage for low-income residents at three abortion clinics using funding from local sources of revenue until a law passed by the Texas Legislature put a stop to the practice.<sup>5</sup> Another model is to allocate funding to cover the cost of abortion for women in the city’s foster care system. County or city officials could also set aside funding in the local hospital’s budget annually to offer a limited number of subsidized abortions to residents.

**PROTECT PATIENT ACCESS TO ABORTION CLINICS:** In the summer of 2016, the Supreme Court struck down Texas’s HB-2, reaffirming that it is unconstitutional for cities and states to pass laws that present substantial obstacles in the path of women seeking abortions, such as hospital admitting privileges or surgical center requirements for clinics.<sup>6</sup>

By physically obstructing access or excessively intimidating patients, anti-choice demonstrators can make visiting a clinic a hostile and upsetting experience, and can even prevent women from gaining entry. While the free speech of protesters must be protected, communities can take important measures to ensure that anti-choice groups do not present substantial obstacles to women seeking access to abortion. In **New York**, NY, a clinic access law strengthens penalties for protesters who harass or block patients, providers, or volunteers within 15 feet of the clinic.<sup>7</sup> The **Pittsburgh** City Council enacted a buffer zone ordinance that establishes a 15-

foot zone around the clinic in which no one may congregate, patrol, demonstrate, or picket.<sup>8</sup>

Anti-choice groups also are known to set up crisis pregnancy centers (CPCs), organizations that often represent themselves as full-service reproductive health centers but instead use manipulative and deceptive tactics to dissuade women from choosing abortion. In **New York**, the city council passed an ordinance requiring CPCs to keep women’s personal information confidential and also requiring signage indicating whether or not a licensed medical provider is on staff.<sup>9</sup> In **San Francisco**, the Board of Supervisors passed an ordinance that prevented CPCs from making misleading statements or posting deceptive advertisements about their services.<sup>10</sup>

**ENSURE LOCAL ZONING CODES TREAT ABORTION PROVIDERS FAIRLY:** In some cities, anti-choice groups have used local zoning regulations as a way to block the establishment of an abortion clinic in their community or close down existing clinics. This strategy forced the shutdown of a clinic in **Fairfax**, VA, which needed to relocate due to passage of a targeted regulation of abortion providers (TRAP) law on the state level. TRAP regulations require abortion providers have admitting privileges, a medically unnecessary policy that often results in the closure of clinics because hospitals are unwilling to partner with them. In response, the City Council changed the zoning code, leaving the abortion clinic unable to secure a new location. On the other hand, a similar attempt was defeated in **Manassas**, Virginia a few months later. Instead of using zoning codes to attack providers, the Manassas City Council can modify their zoning codes to ensure that abortion providers are treated fairly within their borders. Zoning codes can require treating abortion clinics in the same manner as medical offices, as most abortions are routinely and safely provided in office-based settings. City councils can also require that anyone contracting with the city or receiving city funding not discriminate in their transfer agreement based on the services provided by the clinic.

**PASS A LOCAL RESOLUTION SUPPORTING REPRODUCTIVE RIGHTS ON THE STATE AND FEDERAL LEVELS:** Demonstrating that there is broad support for abortion coverage makes it easier for progressive policymakers on the state and federal level to reverse bans on abortion coverage. In 2017, **Delaware** became the first state in the nation to write the holding of the Supreme Court’s landmark decision in *Roe v. Wade* into its laws. The Delaware law provides access to abortions for women even in the event of a change at the federal level or a repeal of *Roe v. Wade*.<sup>12</sup> **Seattle**, WA passed a resolution in support of comprehensive reproductive health care coverage that includes abortion. Their support provided an opportunity for Seattle’s Congressman to make explicit his support of federal coverage

of abortion to his constituents. In Philadelphia, PA, the Board of Health passed a similar resolution, using their expertise to make the case that abortion coverage is a vital public health issue. In December 2015, the Salt Lake City Mayor’s Office of Diversity and Human Rights and the Salt Lake City Human Rights Commission named the Planned Parenthood Association of Utah a 2015 Human Rights Award recipient, following a statewide funding cut to the organization.<sup>11</sup> In Oakland, CA, the City Council passed a resolution opposing racist sex-selective abortion bans, such as those included in the federal bill known as “PRENDA.”<sup>13</sup>

## LANDSCAPE AND RESOURCES

The **National Institute for Reproductive Health** provides funding and technical assistance to organizations and advocates working to advance reproductive health, rights and justice on the local level. The **All\* Above All** campaign provides support to organizations and individuals working to lift the bans that deny abortion coverage. The **National Abortion Federation** and **Planned Parenthood Action Fund** provide information and support for abortion access initiatives, particularly related to safe clinic access and buffer zones.

## NOTES

- 1 “Abortion Surveillance – United States 2013,” *Center for Disease Control*.
- 2 “Local Attempts to Restrict Abortion Access and Ban Abortion,” National Institute for Reproductive Health.
- 3 Heather Boonstra and Elizabeth Nash, “A Surge of State Abortion Restrictions Puts Providers—and the Women They Serve—in the Crosshairs.” *Guttmacher Policy Review* (2014).
- 4 Rachel Jones, et al “At What Cost? Payment for Abortion Care by U.S. Women,” *Women’s Health Issues* (2013).
- 5 Ari Auber, “Anti-Abortion Measure Targets Travis County,” *The Texas Tribune* (July, 2011).
- 6 Adam Liptak, “Supreme Court Strikes Down Texas Abortion Restrictions,” *The New York Times*, June 27 2016.
- 7 Melissa Goodman and Katharine Bodde. NYCLU. <https://www.nyclu.org/sites/default/files/Clinic%20Access%20Memo.pdf>
- 8 Women’s Law Project. Women’s Advocates Celebrate New Protection for Patients, Escorts, and Protesters: 15-Foot Clinic Buffer Zone, 8-Foot Personal Bubble Zone Bill Passes Pittsburgh City Council (2005).
- 9 N.Y.C. Admin. Code § 20–815 to - 820.
- 10 Aaron Sankin. “San Francisco Crisis Pregnancy Center Law Targets Anti-Abortion Groups.” *Huffington Post*. October 19, 2011.
- 11 Misty Packer. “Salt Lake City celebrates Human Rights Day, gives Planned Parenthood an award.” *The Salt Lake Tribune*. December 16, 2015.
- 12 Miriam Yeung and Eveline Shen. “Guest commentary: Oakland City Council right to stand against abortion ban.” *East Bay Times*. March 24, 2015.
- 13 Barbara Goldberg, “Delaware is first U.S. state to enact abortion rights under Trump,” *Reuters*, June 9 2017.

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