



# A New Front on the War on Women: Conflicting Appellate Rulings and the Resulting Disparities in Abortion Access for Women in the Southwest

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## The Decisions

### Texas: The Future Arizona?

#### Texas

- In 2013, the state of Texas introduced a bill creating a sweeping array of abortion regulations. This bill was championed by Texas Republicans, who claimed the true intent of the legislation was to protect the health and safety of women. The bill was famously filibustered by Texas State Senator Wendy Davis, but ultimately passed.
- The law banned abortion procedures after 20 weeks post-fertilization; required doctors who perform abortions to have admitting privileges at a nearby hospital; required clinics to be equipped with ambulatory surgical centers; and placed additional restrictions on abortion-causing medications (required providers to follow the FDA requirements for administration).
- The constitutionality of the law was challenged, but in March 2014, the Fifth Circuit Court of Appeals upheld the legislation, holding that it did not place an undue burden on women seeking access to abortion.
- On August 29, 2014 the US District Court for the Western District of Texas ruled that the ambulatory surgical center provision of HB 2 was unconstitutional, three days before the final provision of HB 2 would have gone into effect.



#### Arizona

- In 2012, the Arizona Legislature passed a law requiring abortion providers to follow the FDA requirements for administration of abortion causing medications.
- Like the law in Texas, this legislation was created by state Republicans seeking a mechanism to limit access under the banner of protecting women's health and safety.
- In June 2014, the Ninth Circuit Court of Appeals ruled this law unconstitutional, holding that it would place an undue burden on women seeking access to abortion.

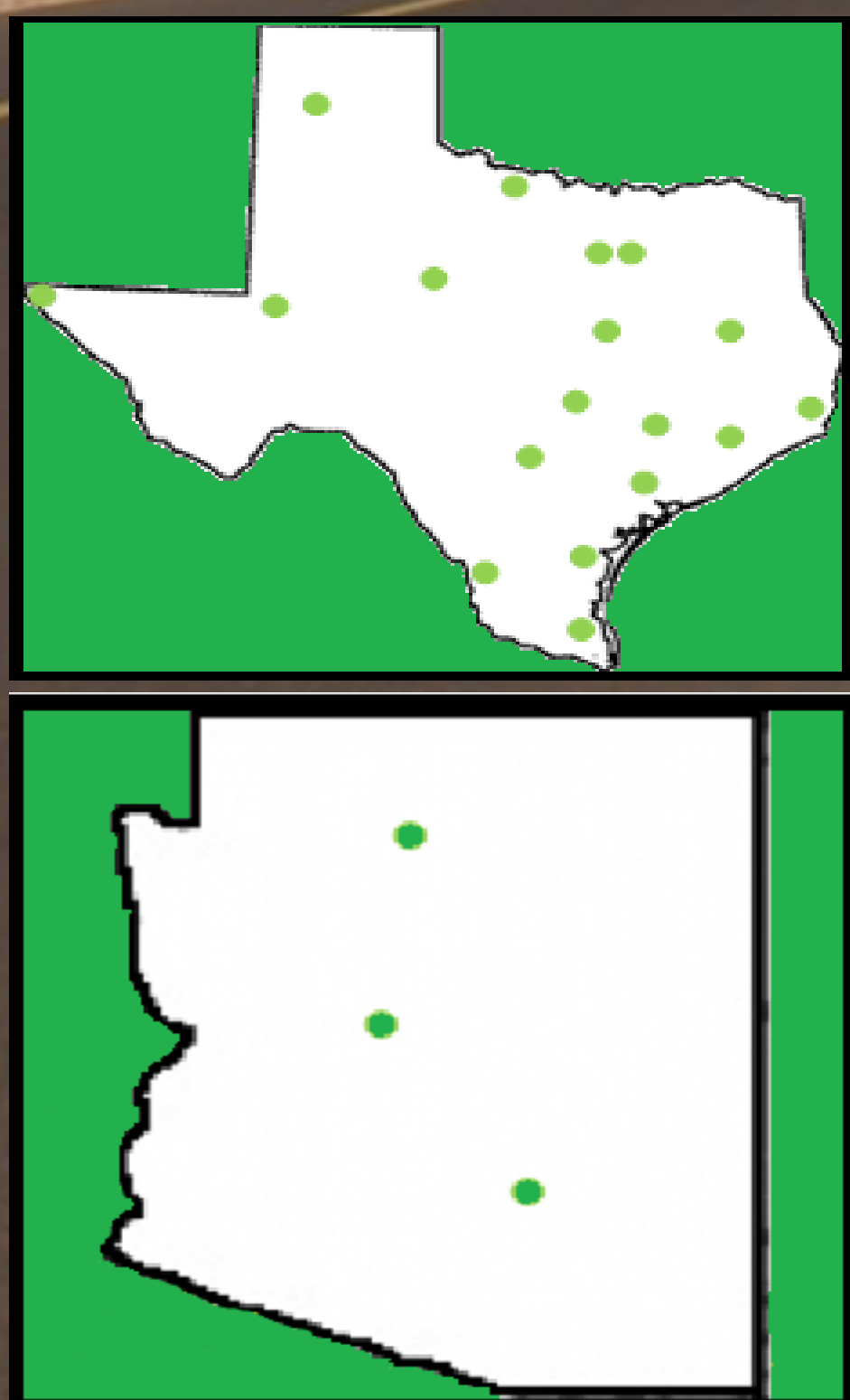
## The Implications



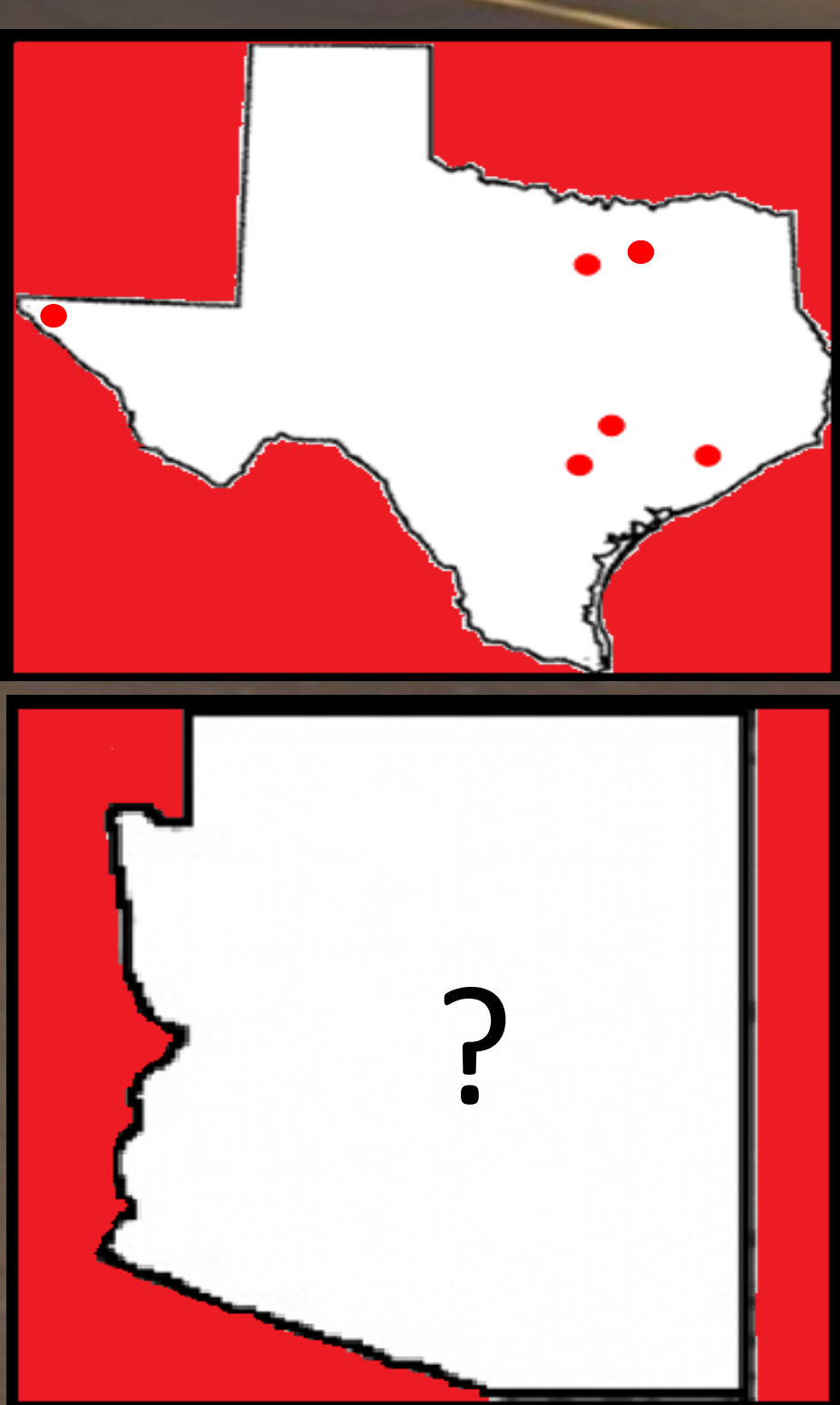
#### Texas

- In Texas, the number of women living more than 200 miles from an abortion provider has increased nearly 30 fold in the past year. The closures have devastating effects particularly on poor women living in rural areas who must make multiple trips of hundreds of miles.
- Texas's neighboring states Alabama and Mississippi have also enacted statutes aimed at curbing abortion access, creating a large geographical expanse in the southern US with limited access.

#### BEFORE



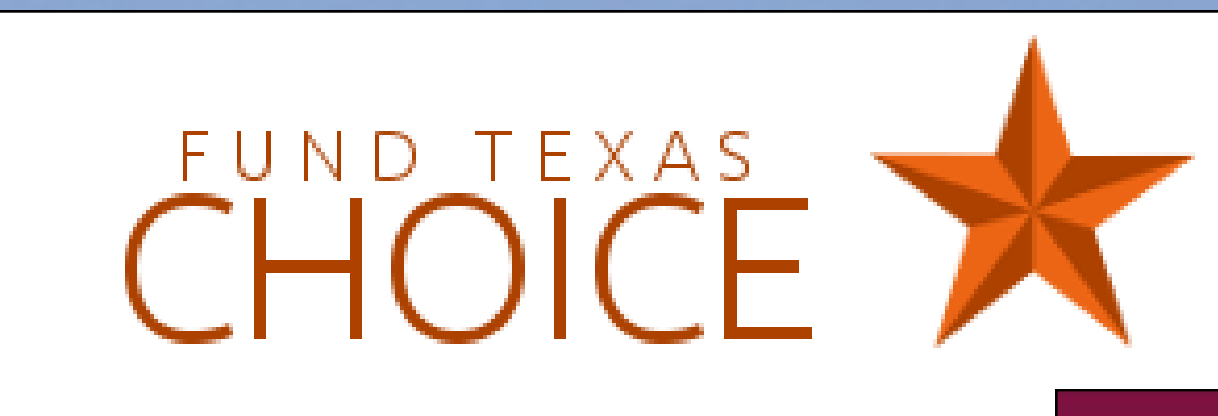
#### AFTER



#### Arizona

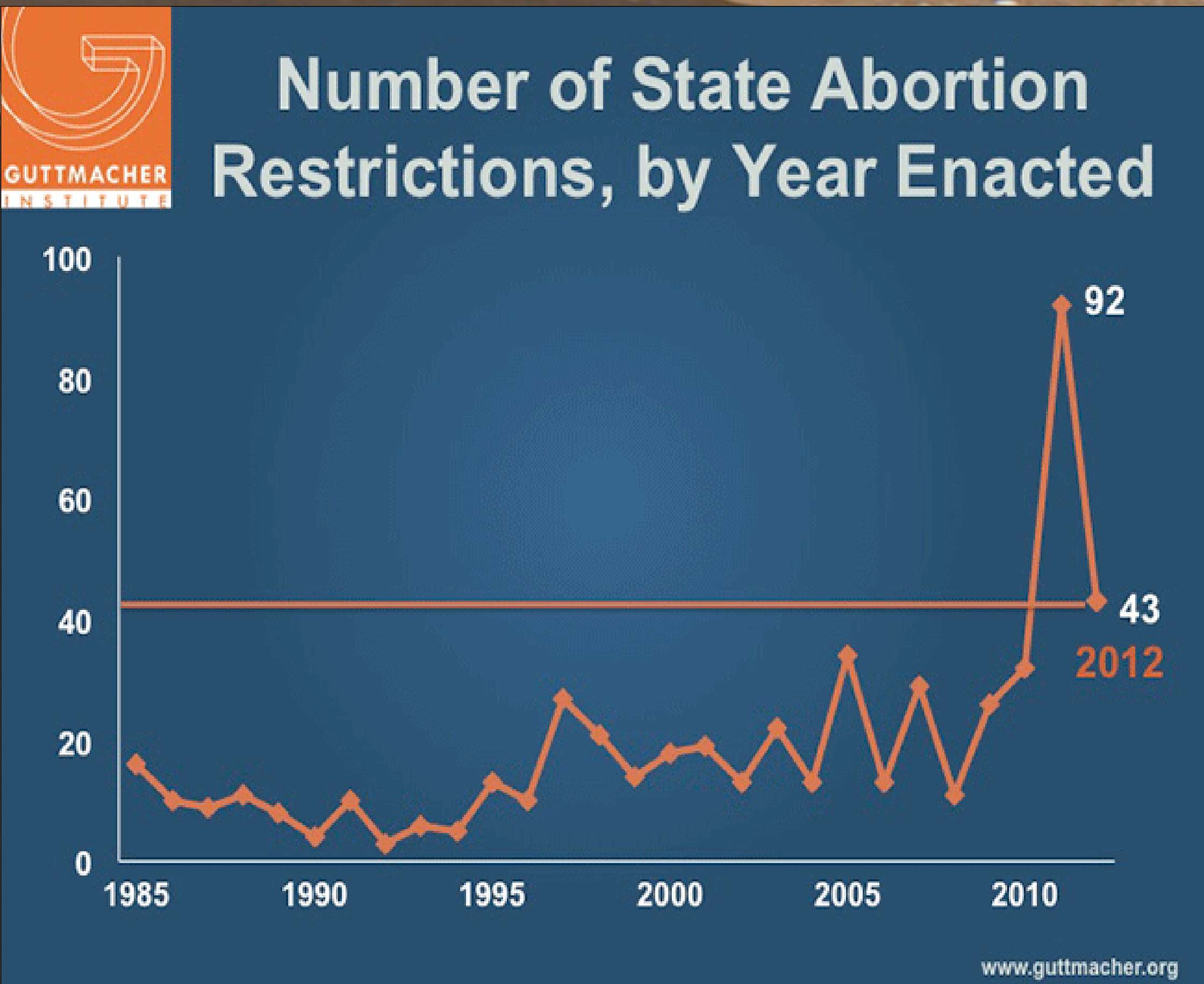
- In Arizona, abortion access remained located in three major metro areas.
- 32% of all abortions in Arizona are completed through administration of abortion causing medications.
- Given the state's geography and location of providers, should the Supreme Court take the case and decide in favor of the state, Arizona women could face the same challenges in access currently faced by Texas women, and in other southern US states.

## The Response and Future Concerns



- These efforts could serve as a blueprint for advocates in other states such as Arizona to combat harsh regulations.
- Within the past few years, state legislation aimed at curbing the availability of abortion has skyrocketed. The US Supreme Court has yet to weigh in on these most recent laws, but that could change if Arizona's case is heard. Should Arizona's proposed law be upheld, access to abortion will dramatically shift for large portions of the country, with many advocates warning of a return to back alley or out of country procedures and an accompanying rise in infection, infertility and death.

- In response to the obstacles put in place by this legislation, existing and newly formed grassroots organizations have stepped up to help bridge the transportation gap.
- Fund Texas Choice was created by a University of Texas student in the aftermath of the passage of HB 2. The group helps organize transportation via public or private (volunteer provided) to clinics for low-income Texas women.
- Other pre-existing organizations, including the Lilith Fund for Reproductive Equality and the Texas Equal Access (TEA) Fund also assist women with transportation to abortion providers. In response to increased demand, these organizations have engaged in increased fundraising efforts on the national level.



<sup>1</sup>Texas House Bill 2: *Relating to the regulation of abortion procedures, providers, and facilities; providing penalties*. July 18, 2013.

<sup>2</sup>*Planned Parenthood v. Abbott* (5th Cir. 2014).

<sup>3</sup>*Whole Woman's Health v. Lakely* (W.D. Tex. 2014).

<sup>4</sup>Arizona House Bill 2036, *An Act Amending Sections Relating to Abortion*, April 12, 2012.

<sup>5</sup>*Isaacson v. Horne* (9th Cir. 2014).

<sup>6</sup>Carlin, Kristi. "Abortion Case Headed to US Supreme Court" *Arizona Daily Sun*. September 2, 2014.

<sup>7</sup>Ichikohn, Erik and Fernandez, Manny. "Abortion Providers in Texas Press Judge to Block Portions of New Law". *New York Times*. August 4, 2014.

<sup>8</sup>Schwartz, David. "Lawsuit Challenges Arizona's Limits on Use of Abortion Drug". *Reuters*. March 5, 2014.

<sup>9</sup>Fund Texas Choice: About Us" <fundtexaswomen.org/about-us> Retrieved 2 September 2014.

<sup>10</sup>About the TEA Fund" <www.teafund.org/about> Retrieved 2 September 2014.

<sup>11</sup>About the Lilith Fund" <www.lilithfund.org/fund/about> Retrieved 2 September 2014.

<sup>12</sup>Culp-Ressler, Tara. "Star Studded Fundraiser Tonight Will Raise Money for Texas Women Who Need Abortion Access" *Think Progress Blog*. November 18, 2013 <http://thinkprogress.org/health/2013/11/18/2958361/clear-hearts-eyes-choose-texas/> Retrieved 2 September 2014.

<sup>13</sup>2012 Saw Second-Highest Number of Abortion Restrictions Ever" *Guttmacher Institute*. <http://www.guttmacher.org/media/jintheews/2013/01/02/> Retrieved 2 September 2014.