Abortion Action Abounds

In *Whole Woman’s Health v. Hellerstedt*, the U.S. Supreme Court held 5-3 that two requirements of a 2013 Texas law imposed an “undue burden” on a woman’s constitutional right to seek an abortion.

The requirements—that physicians performing abortions must have admitting privileges at local hospitals and that abortion facilities must meet the physical and staffing standards for surgery centers—were intended to protect women’s health in case of an emergency, according to attorneys making the state’s case.

The high court, however, concluded that neither provision offered medical benefits sufficient to justify the burdens each imposed on women. “Each places a substantial obstacle in the path of women seeking a previability abortion, each constitutes an undue burden on abortion access … and each violates the federal Constitution,” the justices wrote.

The decision has implications beyond the Lone Star State: Thirteen other states require clinicians to have admitting privileges at or an alternative admitting agreement with a nearby hospital, and 22 have surgery center requirements that are the same as or similar to those in the Texas law. Such restrictions could be considered equally unconstitutional.

—Kevin Frazzini

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**The Laws in Question**

State Laws

- Requires abortion facilities to meet surgical center standards
- Requires providers to have hospital admitting privileges
- Has both requirements

Note: Laws in Alabama, Kansas, Mississippi and Wisconsin are pending litigation.

**A majority of abortion patients are poor**

- Poor (Income is 100%–199% of the federal poverty level)
- Very Poor (Income is less than 100% of the federal poverty level)

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**ABORTION By the Numbers**

- **334**
  
  Number of abortion restrictions states enacted between 2011 and July 2016.

- **88%**
  
  Percentage of abortions performed during the first 12 weeks of pregnancy.

- **60%**
  
  Portion of women seeking abortions who are already mothers.

- **38**
  
  Number of states that require licensed physicians to perform abortions.

- **45**
  
  Number of states that allow health care providers to refuse to participate in abortions.

**U.S. Abortion Rate**

Aborts per 1,000 women ages 15–44 (as of July 1 each year)

*Sources: Guttmacher Institute, National Right to Life, 2016*