

## **What's going on with abortion access?** (January 2023)

Reproductive health and rights have never been at greater risk. The U.S. Supreme Court has ended the federal constitutional right to abortion — handing our power to control our own bodies to politicians.

On June 24, 2022, the Supreme Court issued *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade* — the case that had recognized the federal constitutional right to abortion in 1973. The Supreme Court's new ruling in *Dobbs* means that we have lost federal constitutional protection for abortion.

Now, abortion bans are spreading across the country with more than half of the states poised to ban abortion. That would leave 36 million women of reproductive age, plus even more people who can become pregnant, without access to abortion.

As a result of *Dobbs*, thousands of people each year will be forced to travel hundreds or perhaps thousands of miles for care or to remain pregnant against their will.

In some states, however, state constitutions provide independent protection for abortion, and state courts remain free to rely on those state constitutional provisions to block abortion bans, despite the U.S. Supreme Court's ruling in *Dobbs*.

### **What does this mean for Utah?**

**Utah has two laws that were impacted by the Supreme Court ruling: a trigger ban and an 18-week ban.**

**Background on trigger ban:** This law, passed in 2020, bans abortions at any stage of pregnancy, except in cases where a pregnant person is at risk of death or permanent injury, is pregnant from rape or incest that is reported to police, or has a pregnancy that has been diagnosed with some fetal abnormalities. The law included a "trigger," which meant it would only go into effect if the constitutional protections under *Roe v. Wade* were dismantled.

**Background on 18-week ban:** This law, passed in 2019, bans most abortions after 18 weeks gestation (measured from the date of the pregnant person's last period). It includes some exceptions for obtaining an abortion after 18 weeks, including rape or incest reported to police, lethal fetal anomaly, severe brain abnormality, or risk of death or serious harm to the pregnant person.

In 2019, PPAU filed a lawsuit in federal court against state and local officials charged with enforcing the law and the parties stipulated to a preliminary injunction while the case went through the courts. After the Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization*, PPAU voluntarily dismissed that lawsuit, which had relied on *Roe v. Wade* as precedent. The 18-week ban is currently in effect.

**To help make sense of this new post-Roe legal landscape, here's a timeline of what has happened so far in Utah since the Dobbs decision:**

**June 24:** The United States Supreme Court ruled in *Dobbs v. Jackson Women's Health Organization* to overturn *Roe v. Wade* and the federal constitutional protections for abortion. That evening, the Utah state legislative counsel certified that SB 174, Utah's trigger abortion ban, could take effect immediately. **PPAU stopped providing abortion services that were barred by the trigger ban.**

**June 25:** Planned Parenthood Association of Utah filed a lawsuit in state court challenging SB 174 - Utah's trigger ban.

**June 27:** A state court judge granted a temporary restraining order blocking SB 174. **PPAU resumed abortion services immediately.**

**June 28:** Utah's 18-week abortion ban, passed in 2019 and blocked due to litigation that relied on *Roe v. Wade*, went into effect. Given the Dobbs decision overturning *Roe*, Planned Parenthood Association of Utah voluntarily dismissed its federal case challenging this law. That dismissal does not prevent Planned Parenthood from challenging the law again later.

**July 11:** A state court judge granted a preliminary injunction against the trigger ban. [Read more about the decision](#)

**August 9:** The state filed a request to appeal the state court injunction with the Utah Supreme Court and to stay the injunction pending appeal.

**October 3:** The Utah Supreme Court denied the state's request to stay the injunction and accepted the appeal. This means abortion services will remain available while the litigation over the ban in the Utah Supreme Court proceeds. Briefing is ongoing through February 2023.

**Abortion and other sexual and reproductive health care services are available at Utah Planned Parenthood health centers. Patients can call 1-800-230-PLAN to make an appointment or visit [ppau.org](http://ppau.org) for more information.**

**PPAU provides abortion care at 3 Utah health centers:**

- Metro Health Center: Medication abortion (abortion pills) up to 11 weeks; Surgical abortion up to 18 weeks.
- Salt Lake Health Center: Medication abortion up to 11 weeks.
- Logan Health Center: Medication abortion up to 11 weeks.

(Abortion care is also available at Wasatch Women's Center, an independent provider in Salt Lake, up to 13 weeks.)

**Remember that Utah already has many other restrictive abortion laws on the books designed to make getting an abortion harder.** These include:

- Required state-directed counseling including information meant to discourage the abortion
- Required online information module designed to stigmatize abortion and encourage pregnancy
- Required 72 hour waiting period after counseling
- Private, Affordable Care Act (ACA) federal marketplace insurance, and employer health insurance only covers abortion in cases of life endangerment, rape, incest, fetal impairment, or health compromise
- Public money only used for abortions in cases of life endangerment, rape, incest, fetal impairment, or health compromise
- Required parental consent in the case of a minor
- Required admitting privileges at a local hospital for abortion providers

**Everyone's body is their own, and theirs alone.** You must have the freedom and power to control your body and life. That means no judge, no politician, no ban should ever block your personal medical decisions or set the course for your life. Abortion access should not be based on your ZIP code, income level, or immigration status.

Abortion bans do the most [harm in Black, Latino, and Indigenous communities](#) and other communities of color, which already face barriers to health care and economic opportunity because of this country's legacy of systemic racism and discrimination. The court's ruling will add further insult to [health disparities](#) that [have long](#) plagued [too many communities](#).

**Everyone should have the freedom and power to control their own body, decisions, and lives.** When a few people in power can impose their beliefs on everyone, we aren't truly free.

### **What can you do?**

**Pay attention.** We know there is a lot going on in the world right now, but we can't let our right to make our own decisions about our bodies be taken away.

**Talk about this with your family and friends** – make sure people in your life know what's at stake.

**Have an abortion story to share?** [Share your story here.](#)

[Sign up to canvass](#) to bring the discussion of reproductive health care to our community by going door-to-door to inform voters of the state of abortion access in Utah.

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