

## Abortion Ban

[SB 408](#) - [Sen. Koenig](#) (R-15, Manchester)

*This extreme, unconstitutional measure is the latest instance of politicians' misplaced priorities and fixation with ending access to safe, legal abortion.*

Senate Bill 408 is an extreme and unconstitutional measure intended to ban abortion in Missouri. It would prohibit abortion once a fetal heartbeat can be detected, which can be as early as six weeks — **before many people even know they are pregnant**. The measure requires a physician to perform a fetal heartbeat test within 96 hours of providing an abortion and imposes new criminal penalties.

### **Senate Bill 408 is about ending access to safe, legal abortion in Missouri.**

- Abortion is one of the safest medical procedures performed in the United States. Data, including from the Centers for Disease Control (CDC), show that abortion has a greater than 99 percent safety record.
- 92% of abortions in the U.S. occur within the first 13 weeks, with 66% occurring within the first eight weeks. This measure would ban abortion after six weeks — before many people even know they are pregnant.

**So-called “heartbeat” bans are categorically unconstitutional.** The U.S. Supreme Court has consistently held for more than 40 years that states may not ban abortion prior to viability.

- Similar laws enacted in North Dakota and Arkansas have been found unconstitutional and permanently enjoined by the U.S. Court of Appeals for the Eighth Circuit, which includes Missouri.

**This bill does not meet the U.S. Supreme Court's new standard.** The Supreme Court's most recent decision on abortion rights, *Whole Woman's Health v. Hellerstedt*, reaffirmed that abortion is a constitutionally-protected right and set a new standard that abortion restrictions must meet: **the benefit of a given restriction must outweigh the burden it imposes.**

- *Whole Woman's Health* reaffirmed the more than forty years of Supreme Court precedent holding that abortion is a constitutional right and that a law is unconstitutional if it places an undue burden on the right to have an abortion before viability.
- Under *Whole Woman's Health*, courts must apply heightened scrutiny to abortion restrictions. Courts cannot give “uncritical deference” to the facts supporting the government's position; courts must actually consider whether credible evidence supports the legislative fact-finding and other evidence presented by the state.

### **Pregnant people deserve medically accurate information about all of their options.**

- Information should support a pregnant person, help them make a decision for themselves, and enable them to take care of their health and well-being — not be used to coerce, shame, or get them to change their minds.
- Abortion is a deeply personal and often complex decision between a pregnant person, their doctor, their family and their faith — not politicians.

### **Instead of pushing unconstitutional bills, lawmakers should focus on measures to improve Missourians' health.**

- Legislators should work together to pass common-sense policies to improve Missourians' health, like comprehensive and medically accurate sex education, increased access to contraception, and Medicaid expansion.
- Passing unconstitutional bills that will cost the state money to defend in court is a poor use of taxpayers' time and money.

**No matter what happens in Jefferson City, Missourians can count on Planned Parenthood for high-quality, affordable health care. These doors stay open — no matter what.**