

HB 19 / SB 1140, Abortion Provider Liability Claims of “Emotional Distress”

HB 19 / SB 1140 perpetuates the false claim that many women regret their abortions.

FACT: There is no evidence to support this harmful claim. Research shows that 95% of women do not regret their abortions.¹

HB 19 / SB 1140 perpetuates the false rhetoric of anti-abortion activists that women by and large regret their abortions. The legislation allows a new and unique cause of action for patients to sue their abortion providers for “emotional distress” for up to ten years from when they obtain an abortion.

The American Psychological Association Task Force on Mental Health and Abortion found that the “best scientific evidence published indicates that among adult women who have an unplanned pregnancy, the relative risk of mental health problems is no greater if they have a single elective first-trimester abortion than if they deliver that pregnancy.”² The Task Force also concluded that women in the United States who had a legal first-trimester abortion for non-

therapeutic reasons showed no greater prevalence of mental health problems than women in the general population.³

A review of studies on abortion and mental health conducted in 2009 found that the studies that concluded that abortion causes psychiatric illness had serious methodological problems, and “the most well controlled studies continue to demonstrate that there is no convincing evidence that induced abortion of an unwanted pregnancy is per se a significant risk factor for psychiatric illness.”⁴

The World Health Organization has also asserted that there is no evidence that abortion causes negative psychological symptoms.⁵

1. Corinne H. Rocca et al., Decision Rightness and Emotional Responses to Abortion in the United States: A Longitudinal Study, PLOS ONE (July 8, 2015), <http://www.plosone.org/article/uri=info:doi/10.1371/journal.pone.0128832&representation=PDF>.
2. American Psychological Association, Task Force on Mental Health and Abortion, Report of the Task Force on Mental Health and Abortion, 4, (2008), available at <http://www.apa.org/pi/women/programs/abortion/>.
3. Id.
4. Gail Erlick Robinson et al, Is There an “Abortion Trauma Syndrome”? Critiquing the Evidence, 17 Harv. Rev. Psychiatry 268, 276 (2009).
5. World Health Organization, Safe Abortion: Technical and policy guidance for health systems, second ed., 49 (2012), available at http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434_eng.pdf.