

ISSUE BRIEF, NOVEMBER 2019

## Women's Awareness of Abortion Laws in Louisiana

### Summary

The likelihood of women filing a lawsuit challenging laws that restrict abortion depends in part on whether they are aware of the restrictive laws. Research shows that most women seeking abortion care do not know about the laws that impact their ability to obtain an abortion, and can sometimes prevent them from obtaining an abortion. Our study suggests that these findings apply to Louisiana women as well. This lack of knowledge about restrictive laws may hinder a woman's ability to file lawsuits challenging these laws.

### Background

During its 2019-2020 Term, the U.S. Supreme Court will consider the case *June Medical Services, LLC v. Gee* regarding a Louisiana law that requires abortion providers to have admitting privileges at a local hospital. As part of the case, the Court will also consider whether abortion providers have "third-party standing" to challenge restrictive laws on behalf of their patients. The State of Louisiana believes that abortion patients do not face a "hindrance" in pursuing their own rights and can file a lawsuit if they believe a restrictive policy has prevented them from obtaining a wanted abortion.<sup>1</sup> The likelihood of women filing such a lawsuit depends, at least in part, on whether women are aware of the laws that affect their ability to obtain an abortion.

### Women's Knowledge of Abortion Laws

Research evidence indicates that women in general, and those seeking abortion care in particular, are often unaware of state and national laws that can affect their ability to obtain an abortion or their experiences obtaining abortion.

#### Current abortion laws in Louisiana:<sup>2</sup>

- Gestational limits: Abortions may be performed after 20 weeks only in a few cases
- Medicaid and state private insurance do not cover abortion
- Public funding available for abortion only in cases of life endangerment, rape, or incest
- State-mandated waiting period/counseling: Patient must receive in-person, state-directed counseling at least 24 hours before an abortion
- Ultrasound viewing requirement: Patient must undergo an ultrasound at least 24 hours before an abortion, and the provider must show and describe the image to the patient
- Minors must get parental consent
- Telemedicine to administer medication abortion is prohibited
- Abortion providers must have hospital admitting privileges\*

\* Currently on hold due to an injunction while the U.S. Supreme Court considers the law in the court case, *June Medical Services, LLC v. Gee*

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- Among women seeking abortion care at three clinics in the Midwest and South, few reported knowledge of state-level regulations on abortion. Of 20 women interviewed, two knew of their state's parental consent requirement, one knew of the state-mandated waiting period, and five knew of their state's gestational limits for abortion.<sup>3</sup>
- Among women seeking second-trimester abortion services at eight clinics in the Northwest and the Midwest, fewer than one-third had heard of laws that required mandated counseling or that barred Medicaid from covering abortion.<sup>4</sup>
- Women attending primary care and OB/GYN clinics serving low-income patients in San Francisco, Boston, and New York City were surveyed about their knowledge of abortion-related laws and services. Despite 35% of participants reporting previously having had an abortion, women in all three cities had large gaps in knowledge relating to abortion availability in their communities and had limited awareness about state laws pertaining to abortion access.<sup>5</sup>
- In Texas, researchers found that – despite extensive local and national media coverage of Texas abortion law changes– the majority of reproductive-aged women completing a representative, statewide online survey knew little about the state's laws related to abortion. Nineteen percent had never heard of any recent abortion laws in Texas, and an additional 36% were largely unaware of the new laws.<sup>6</sup>
- A systematic review of studies worldwide came to similar conclusions: most women had limited knowledge of their country's abortion laws. Notably, abortion knowledge was lower among poorer and less educated women and those living in rural communities.<sup>7</sup>

## Women's Knowledge about Abortion in Louisiana

A new analysis conducted with women entering prenatal care in Southern Louisiana as part of ANSIRH's Abortion Prenatal Study suggests that there is limited awareness of abortion laws in Louisiana as well, including among women unable to obtain abortions due to state laws. The study included in-depth interviews with women who considered having an abortion for their current pregnancy but ultimately did not obtain one, in some cases, due to Louisiana's laws. The Louisiana laws that contributed to the women in the sample not obtaining abortions include gestational limits, two-visit counseling requirements, and the lack of Medicaid coverage for abortion.<sup>8</sup> Lack of Medicaid coverage in Louisiana leads 1 in 4 low-income women who would have otherwise had an abortion to give birth instead.<sup>9</sup>

### Louisiana women's own words:

*"No, I haven't heard any. It's not something I would have expected to have to know. But I know we got a lot of different laws just coming out about it. But I can't even recall a thing."*

– age 33, mother of 3 children

*"I didn't know any of the laws, actually."*

– age 23, first pregnancy

*"Well, when I found out that I was pregnant, I did find out that Louisiana don't do abortions"*

– age 21, first pregnancy

*"I heard about them, how you have to see like an ultrasound, you have to have two counseling appointments with someone before it happens."*

– age 28, mother of 1 child; previous history of abortion in another state

As part of the in-depth interviews, a sample of 27 women who had considered abortion for this pregnancy were asked about their knowledge of Louisiana's abortion laws. Few identified state laws that could affect their ability to obtain an abortion.

- 18 of 27 women reported not knowing any laws about abortion in Louisiana.
- Two women believed that abortion was illegal in Louisiana.
- 9 of 27 women identified at least one of the existing laws that restricts abortion in Louisiana.
- The largest number of women reported having heard of the requirement for a state-mandated waiting period/counseling (n=9), gestational age limits (n=3), the ultrasound viewing requirement (n=3), or that Medicaid could not be used to cover abortion (n=3).
- Only one participant mentioned the admitting privileges law that the Supreme Court is also considering in *June Medical Services, LLC v. Gee*.

## Discussion

Findings from the Abortion Prenatal Study indicate that previously published research about women's lack of awareness of abortion laws also applies in Louisiana. Notably, this analysis included Louisiana women who considered, but ultimately did not obtain, abortions for a current pregnancy in part due to abortion laws. We find that few women directly affected by Louisiana's abortion laws are aware of the legal context in which they live. This lack of knowledge may be a significant barrier to bringing a legal challenge.

Other analyses from the Abortion Prenatal Study also raise questions about whether women unable to obtain abortions due to restrictive laws are likely to file lawsuits. These analyses indicate that women who are unable to obtain abortions in Louisiana due to restrictive policies have greater economic

insecurity, have more mental health diagnoses, and report more substance use.<sup>10</sup> These are populations that may have significant barriers to initiating a legal case.

## Conclusion

Evidence from a number of studies indicates that women are largely unaware of laws that may limit their ability to obtain an abortion. Our research shows that these study findings also apply to Louisiana women, including those who are unable to obtain an abortion due to such laws. Taken together, these findings imply that women affected by restrictive abortion laws may face multiple barriers to bringing lawsuits that challenge restrictive abortion policies.

## References

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