



# GUIDE TO THE ISSUES

## Abortion in Alabama

### Introduction

Since the passing of *Roe v. Wade* in 1973, abortion has been legal in the United States.<sup>1</sup> While the federal government has legalized abortion, in Alabama, a majority of citizens do not agree with abortion due to the consequences of the procedure physically, emotionally, and mentally for the mother and the immorality of killing a defenseless child.<sup>2</sup> Abortion has been a key issue throughout the nation as well as in Alabama, and learning the background of this issue can help policymakers draft legislation that keeps both future mothers contemplating abortion and defenseless unborn children safe.

### History

Abortion was officially made legal in the United States when the Supreme Court passed *Roe v. Wade* in 1973.<sup>8</sup> The Supreme Court reasoned that it was a woman's right to privacy to decide if she wants to have a baby.<sup>9</sup> This decision gave a framework for abortion legislation within states,<sup>10</sup> but states are given the ability to restrict abortions after the babies are proven to be viable (after 20 weeks), which was proven in *Planned Parenthood v. Casey* in 1992.<sup>11</sup> This allowed Alabama to make abortion illegal after the baby has become viable and create other restrictions that better ensures the safety of future mothers that are contemplating abortion.<sup>12</sup>

### Laws

Alabama's state specific abortion laws counteract the ease in which many women can get an abortion<sup>13</sup> by providing sufficient counseling and care to women, so that they can see the full picture of how terminating their child's life can affect them physically, emotionally, and mentally.<sup>14</sup> These laws are important for all of Alabama's expectant mothers because they help improve the health and safety for all expectant mothers,<sup>15</sup> and they protect children

### ISSUE SNAPSHOT

- ★ 5,899 abortions took place in Alabama in 2015<sup>3</sup>
- ★ 12% of all pregnancies in the state end in abortion<sup>4</sup>
- ★ The abortion rate (the number of abortions per 1,000 women) has decreased from 14.3 to 8.3 over the past 15 years<sup>5</sup>
- ★ 59% of Alabama women have access to an abortion provider in their county<sup>6</sup>
- ★ Every day, 16 abortions take place in Alabama<sup>7</sup>

### RECOMMENDATIONS

- Alabama's current laws regarding abortion help to increase the emotional and physical safety of expectant mothers and defenseless unborn children, but stricter legislation can help to decrease the amount of abortions within the state.
- Alabama legislators should consider introducing stricter abortion legislation in order to decrease the high number of abortions within the state.

from inhumane and rash decisions that many can make when an abortion is easy to receive.<sup>16</sup>

### Minors

Alabama's current state abortion laws specifically protect minors who find themselves pregnant by requiring parental consent before an abortion is provided.<sup>17</sup> This ensures support for all minors who feel that they need an abortion, but do not have the maturity to make this major decision on their own.<sup>18</sup> Requiring parental consent for an abortion for minors helps young women discuss their options with both their parents and doctors, who



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can help them make the right decision.<sup>19</sup> Without parental consent, many minors could make a rash decision about their unexpected pregnancy without knowing the physical and emotional consequences an abortion brings.<sup>20</sup>

## Telemedicine

Second, telemedicine is prohibited, which is the use of communication over the phone to provide clinical health care from a distance.<sup>21</sup> Telemedicine is often used when an expectant mother cannot afford a proper abortion or cannot let anyone else know that she is pregnant. The use of telemedicine to abort a child is extremely unsafe and poses major health risks to both the unborn child and the expectant mother. The prohibition of telemedicine ensures that a woman will only get an abortion in a medical setting, which is safer and more sanitary than any medical care a doctor can provide over the phone.<sup>22</sup>

## Viable Pregnancy

Finally, the most important Alabama law that helps restrict the amount of abortions in the state is the prohibition of viable pregnancy abortion,<sup>23</sup> an abortion after 20 weeks,<sup>24</sup> unless the mother's life is in danger.<sup>25</sup> A viable pregnancy refers to the time in a pregnancy when the baby can be born and have a reasonable chance of survival.<sup>26</sup> The argument for this law is that at this point in a pregnancy the fetus has a chance to survive outside of the womb, so that baby has the right to live and not face termination.<sup>27</sup>

Alabama's current state laws regarding abortion ensure that an abortion decision is not made without the awareness of the major physical, mental, and emotional consequences that an abortion could bring. The laws help to restrict pregnancies in the best interest of the both the child and the expectant mother.

## Providers

There are currently nine abortion providing facilities in Alabama,<sup>28</sup> with most facilities concentrated in the major cities of Birmingham, Huntsville, and Montgomery.<sup>29</sup> While most are women's centers who provide pregnancy

care as well as abortions, such as the Alabama Women's Wellness Center in Huntsville and the West Alabama Women's Center in Tuscaloosa,<sup>30</sup> there are also multiple branches of Planned Parenthood in Birmingham, Mobile, and Montgomery, which mainly provide abortions, birth control, and STD testing.<sup>31</sup>

59% of women in Alabama have access to an abortion provider in their county because most of the providers are based in the urban parts of the state.<sup>32</sup> While many pro-choice organizations taut that 93% of Alabama's counties do not have an abortion clinic, in reality, most women do have access to an abortion clinic.<sup>33</sup> It is the state laws that help to decrease the amount of abortions in Alabama, not the amount of providers within the state.<sup>34</sup>

## Conclusion

While abortion became legal in 1973, most Alabamians do not agree with the lenient federal abortion restrictions. The state abortion restrictions not only help decrease the number of abortions in the state, aligning with Alabamians' beliefs, but the restrictions also improve the mental, emotional, and physical safety of expectant mothers contemplating abortion and defenseless, unborn children. Although the current abortion law in Alabama helps to restrict the number of unplanned, unsafe abortions within the state, there is more to be done in the Alabama legislature that will further increase the safety regulations for unborn children. Alabama's current abortion restrictions are a representation of Alabamians' values and beliefs, but there is more that the state can do to keep the unborn children and expectant mothers in our state safe.



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- 1 *Roe v. Wade*
- 2 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination
- 3 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination
- 4 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination
- 5 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination
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- 14 The Code of Alabama 1975, Chapter 21, Section 26-23A-6
- 15 The Code of Alabama 1975, Chapter 21, Section 26-23A-6
- 16 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-21-3
- 17 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-21-3
- 18 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-21-3
- 19 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-21-3
- 20 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-21-3
- 21 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
- 22 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
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- 24 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
- 25 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
- 26 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
- 27 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
- 28 Planned Parenthood of Alabama
- 29 Planned Parenthood of Alabama
- 30 Women's Wellness Center, Huntsville, Alabama; West Alabama Women's Center, Tuscaloosa, Alabama
- 31 Planned Parenthood of Alabama
- 32 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination
- 33 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination
- 34 *State Facts About Abortion: Alabama: National Background and Context*. The Guttmacher Institute, Guttmacher Center for Population Research Innovation and Dissemination