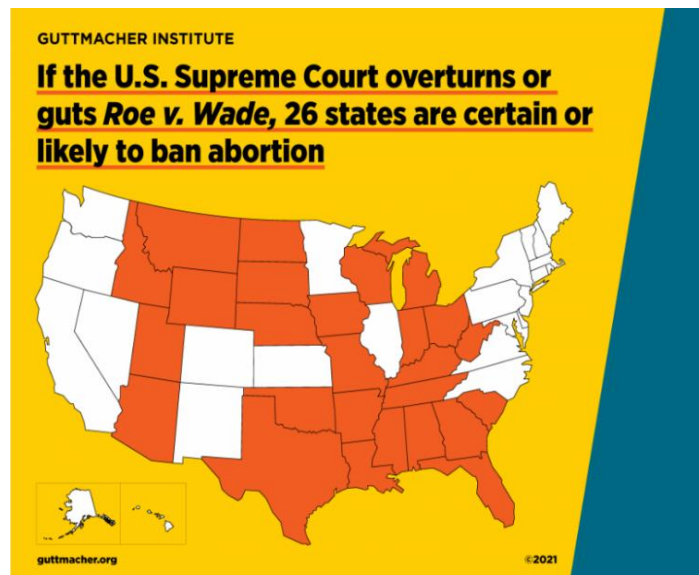


Women’s Reproductive Rights and the Future of *Roe v. Wade*

On May 2, media reports [circulated](#) a leaked majority opinion of the Supreme Court’s ruling in the case of *Dobbs v. Jackson Women’s Health Organization* which would uphold Mississippi’s 15-week abortion ban and overturn the *Roe v. Wade* and *Planned Parenthood v. Casey* rulings. In the draft majority opinion, Justice Samuel Alito writes that the “inescapable conclusion is that a right to abortion is not deeply rooted in the Nation’s history and traditions,” arguing that the 14th Amendment does not prohibit states from regulating abortion and finding the fetal viability standard to “make no sense.” The leaking of draft Supreme Court rulings prior to issuing a decision is incredibly rare, and unprecedented for a pending case in the modern era of the Court. While unlikely, it is possible that the final majority opinion issued differs from the leaked draft, and any legal changes would not occur until the final opinion is issued. The legal rationale offered in support of the draft majority opinion would open the door to the erosion of other constitutional privacy protections and could have further implications on issues such as access to contraception and LGBTQ+ rights—both things existing ACP policy strongly supports.

ACP had joined an [amicus brief](#), along with 23 other leading medical organizations, arguing that Mississippi’s abortion ban is “fundamentally at odds with the provision of safe and essential health care, scientific evidence, and medical ethics.” Most recently, on May 10, ACP released a [communication to our members](#) reiterating our relevant policy and voicing our concerns about the possible ramifications for women’s reproductive rights if the draft majority opinion is finalized.

If *Roe v. Wade* is fully overturned and states are allowed to ban abortion without exception as the draft opinion indicates, [26 states](#) are poised to immediately ban abortion based on existing state laws. Other states are poised to convene special sessions to pass new abortion bans or restrictions in the wake of the final decision. In many states, the bans include severe criminal penalties for both patients and health care personnel who perform or assist in the performing of abortion. Sixteen states and the District of Columbia have laws explicitly protecting abortion. See graphics below.

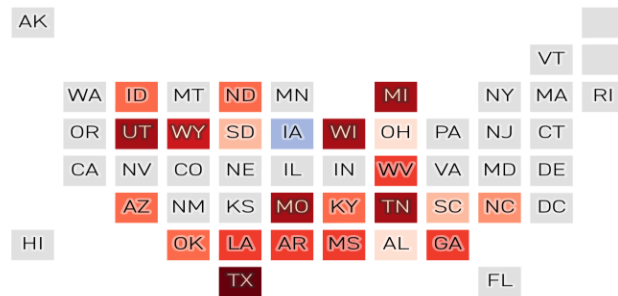


Most states have taken some action to either restrict or protect access to abortion, with [nearly 2,000](#) abortion-related provisions introduced at the state level already this year. In light of the Court’s draft opinion and the distinct possibility that *Roe v. Wade* could be overturned, ACP National expects abortion-related policy to play out on the state level to a much greater degree and we will be closely monitoring those efforts. ACP is also preparing resources to assist chapters in navigating changes in your state’s laws on this issue.

Doctors, others could face significant prison time for performing, helping with abortions post-Roe

Maximum possible prison time abortion providers and others could face in states with trigger bans, pre-Roe bans or six-week bans in place.

- Up to 1 year
- Up to 2 years
- Up to about 3 years
- Up to 5 years
- Up to 10 years
- Up to 14 years
- Up to 15 years
- Up to life in prison
- Other consequences
- No such ban in place



For states with multiple bans in place, penalties for trigger bans were given precedence, followed by pre-Roe bans and six-week bans.

Source: State laws and the Center for Reproductive Rights
Map: Megan Messerly / POLITICO

Unfortunately, there is no clear legislative path in Congress to protect abortion rights at the federal level, although lawmakers will be making attempts to pass legislation in the coming weeks and months that will largely be symbolic. That said, ACP has advocated vigorously for legislation protecting reproductive rights, including by supporting S. 4132/H.R. 3755, the [Women’s Health Protection Act](#), which would codify abortion rights under federal law. Unfortunately, this bill does not have the support it needs to pass in the U.S. Senate. This issue will continue to be an important advocacy priority for ACP moving forward and we will engage with lawmakers as ACP develops further policy, but it is not among those issues we will pro-actively bring to lawmakers during Leadership Day.