

SUPREME COURT DECISION TO OVERTURN

ROE V. WADE

Protect Reproductive Rights

ADVOCACY TOOLKIT

The Supreme Court's decision in *Dobbs v. Jackson's Women's Health* that was announced Friday morning, June 24th, overturned *Roe v. Wade*. It ended the right of reproductive choice for people. This is especially devastating to the freedom of Black people. Although a person's right to control their own reproduction continues to exist in some state law, 26 states have already put laws in place to completely end a person's right to choose.

The Court's decision is dangerous because it is not just about reproductive justice – it is a first step toward ending many of the rights established through judicial precedent; for example, marrying the person of one's choice, access to birth control, and the racial integration of public facilities among many others.

At its core, this moment is about liberty and freedoms that are being taken away. No matter what side you sit on regarding reproductive rights, this regression of rights sets a bad precedent for our country, particularly for Black people. The NAACP strongly condemns this erosion of fundamental rights.

Key Talking Points:

- The decision of the Supreme Court of the United States (SCOTUS) to overturn the fundamental right to abortion, that was established 50-years ago, in *Roe v. Wade* is disappointing on many fronts.
- People should have the right to choose regarding their reproductive health – a right that we value. The government should not be able to interfere in a person's decisions regarding their own bodies and their right to privacy.

Key Talking Points: cont.

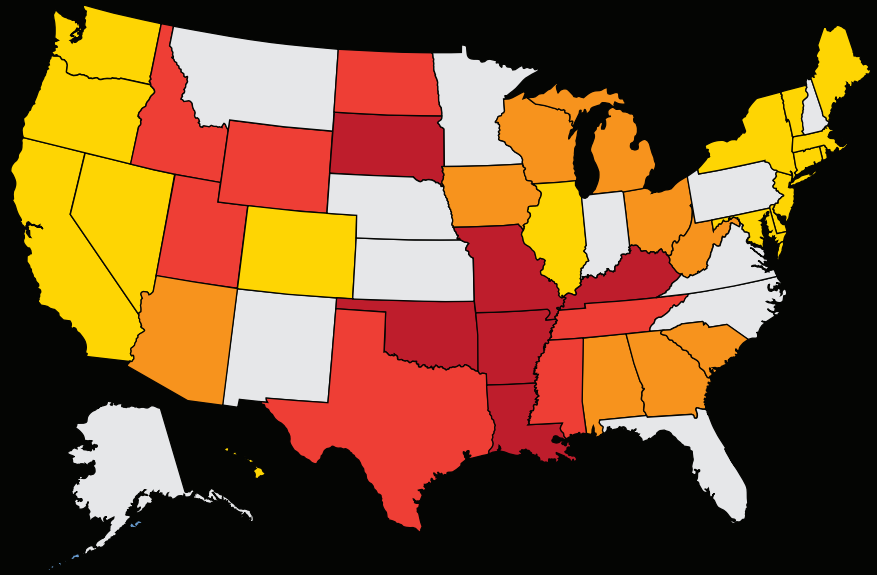
- This latest decision by the SCOTUS in overturning Roe v. Wade is a step forward in eroding any and all established rights. The NAACP condemns efforts by any executive, judicial, or legislative body to erode or overturn well-settled precedents recognizing and protecting reproductive rights and civil and human rights.
- The right to privacy and control of a person's body should be preserved. The NAACP has always supported this right and will fight for reproductive justice.

State Outlook

Where Abortion Is Legal and Where It Loses Protections Without Roe v. Wade

Abortion access across the U.S. now depends on state laws after the Supreme Court overturned its own 1973 decision that established the constitutional right to an abortion (See Appendix for a list of state laws)

- **Near-total abortion ban**
- **Could soon ban nearly all**
- **Could Revive unenforced ban**
- **Access to abortion protection**
- **Neither banned nor protected**



What Can You Do?:

Text "Reproductive Rights" to 20707 to take action to fight to protect reproductive rights.

From here you can:

- o **Email your Senator**
Tell them to support codifying reproductive rights by passing the Women's Health Protection Act, passed by the U.S. House of Representatives in September 2021.

o Call your Senator

Tell them to support codifying reproductive rights by passing the Women's Health Protection Act, passed by the U.S. House of Representatives in September 2021.

o Tweet your support for the protection of reproductive rights.

o Donate to our fight to protect reproductive rights.

Suggested Social Media Hashtags:

#ItsMyBlackBody #ProtectReproductiveRights

#ProChoiceProRights #BasicHumanRights



Suggested Social Media Posts:

MAD as ever! But we won't stop fighting for our **#BasicHumanRights**.

#SCOTUS decision is a direct attack on everyone, and Black people stand to be disproportionately impacted. We must stand up and **#ProtectReproductiveRights** to allow people the freedom to choose what happens with their own bodies!

Tell your Senators to **#ProtectReproductiveRights** by passing the Women's Health Protection Act.

Real freedom is choice! **#ProtectReproductiveRights** by demanding Senators support the Women's Health Protection Act. Basic human rights will NOT be denied. We will not stop until we **#ProtectReproductiveRights**!

GRAPHICS:

Roe v. Wade Graphics: [Download Here](#)

State Laws on Reproductive Rights

Twenty-six states are poised to move quickly to abolish abortion rights. Of these 26 states, 13 states have passed laws that will be automatically triggered, or that will move quickly now that the decision has been announced by the Supreme Court. This decision, and state laws, will severely curtail the reproductive rights of Black women.

Specifics of the state laws are listed below.

Abortion Trigger Bans that will now go into effect immediately:

1. Kentucky

- Enacted: 2019
- Mechanism: Goes into effect immediately without further action being required
- Penalty: Anyone who provides or attempts to provide an abortion service will be charged with a 4 Class D felony
- Exceptions: Pregnant person's life is in danger or provider performs medical treatment that accidentally terminates a pregnancy
- Other abortion bans: Six-week ban (not currently in effect)

2. Louisiana

- Enacted: 2006
- Mechanism: Goes into effect immediately without further action being required
- Penalty: Anyone who provides or attempts to provide an abortion service will be charged with a felony punishable by up to 10 years in prison and fined between \$10,000 and \$100,000
- Exceptions: Pregnant person's life is in danger
- Other abortion bans: Six-week ban (not currently in effect), state constitution bars protection for abortion rights

3. South Dakota

- Enacted: 2005
- Mechanism: Goes into effect immediately without further action being required
- Penalty: Anyone who provides or attempts to provide an abortion service will be charged with a Class 6 felony
- Exceptions: Pregnant person's life is in danger
- Other bans in South Dakota: None

Bans that go into effect after 30 days from Roe being overturned:

1. Idaho

- Enacted: 2020
- Mechanism: Goes into effect 30 days after Roe is overturned without further action being required
- Penalty: Anyone who provides or attempts to provide an abortion will be charged with a felony, punishable by two to five years in prison; any health care professional who performs or attempts to perform an abortion will have their license suspended for at least six months after a first offense and permanently revoked after a second offense
- Exceptions: Pregnant person's life is in danger, provider performs medical treatment that accidentally terminates a pregnancy, or pregnant person is a victim of rape or incest and has reported the incident to law enforcement
- Other abortion bans: Six-week ban (not currently in effect)

2. Tennessee

- Enacted: 2019
- Mechanism: Goes into effect 30 days after Roe is overturned without further action being required.
- Penalty: Anyone who provides or attempts to provide an abortion will be charged with a Class C felony
- Exceptions: Pregnant person's life is in danger or at serious risk of substantial and irreversible impairment of a major bodily function
- Other abortion bans: Six-week ban (not currently in effect), state constitution bars protection for abortion rights

3. Texas

- Enacted: 2019
- Mechanism: Goes into effect 30 days after Roe is overturned without further action being required
- Penalty: Anyone who provides or attempts to provide an abortion will be charged with a first- or second-degree felony, and will be subject to a civil penalty of at least \$100,000 for each violation
- Exceptions: Pregnant person's life is in danger or at serious risk of substantial and irreversible impairment of a major bodily function
- Other abortion bans: Pre-Roe ban
- In effect: Six-week ban with enforcement through civil action (since Sept 1, 2021)

Bans that require a process step to implement now that Roe is overturned:

Seven states have a type of trigger ban that will go into effect after the state's attorney general, governor or other specified official certifies that the central holding of Roe has been overturned. This certification process could be very quick, taking only hours or a couple of days, particularly now that the Supreme Court has overturned Roe.

1. Arkansas

- Enacted: 2019
- Mechanism: Certification by attorney general that the central holding of Roe has been overturned in whole or in part
- Penalty: Anyone who performs or attempts to perform an abortion will be charged with a felony punishable by a fine of up to \$100,000, up to 10 years in prison or both
- Exceptions: Pregnant person's life is in danger
- Other abortion bans: Pre-Roe ban, near-total ban (not currently in effect)

2. Mississippi

- Enacted: 2007
- Mechanism: Certification by attorney general
- Penalty: Anyone who performs or attempts to perform an abortion will be charged with a felony punishable by up to 10 years in prison
- Exceptions: Pregnant person's life is in danger or the pregnant person is a victim of rape and has reported the incident to law enforcement
- Other abortion bans: Pre-Roe ban, six-week ban (not currently in effect)

3. Missouri

- Enacted: 2019
- Mechanism: Certification by attorney general
- Penalty: Anyone who performs an abortion will be charged with a class B felony, and their professional license may be suspended or revoked
- Exceptions: Pregnant person's life is in danger or at serious risk of substantial and irreversible impairment of a major bodily function
- Other abortion bans: Eight-week ban (not currently in effect)

4. North Dakota

- Enacted: 2007
- Mechanism: Legislative Council approves a recommendation from attorney general that the abortion ban is constitutional

- Penalty: Anyone who performs an abortion will be charged with a Class C felony
- Exceptions: Pregnant person's life is in danger or pregnant person is a victim of rape or incest
- Other abortion bans: Six-week ban (not currently in effect), dilation and evacuation abortion method prohibited (takes effect 30 days after Roe is overturned)

5. Oklahoma

- Enacted: 2021
- Mechanism: Certification by attorney general
- Penalty: Anyone who provides an abortion service will be charged with a felony punishable by two to five years in prison
- Exceptions: Pregnant person's life is in danger
- Other abortion bans: Pre-Roe ban, total ban (threatened loss of provider's medical license), total ban (criminal penalties for provider), six-week ban (criminal penalties for provider), six-week ban (with enforcement through civil action)
- In effect: Total abortion ban with enforcement through civil action (since May 25, 2022)

6. Utah

- Enacted: 2020
- Mechanism: Legislative general counsel certifies that legislature can ban abortion
- Penalty: Anyone who performs an abortion will be charged with a second-degree felony
- Exceptions: Pregnant person's life is in danger or at risk of substantial and irreversible impairment of a major bodily function, lethal fetal abnormality is found, or pregnant person is a victim of rape or incest and has reported the incident to law enforcement
- Other abortion bans: Near-total ban (not currently in effect)

7. Wyoming

- Enacted: 2022
- Mechanism: Certification by governor, advised by attorney general within 30 days of the Supreme Court ruling
- Penalty: Anyone who violates the provision will be charged with a felony punishable by up to 14 years in prison
- Exceptions: Pregnant person's life is in danger or at risk of substantial and irreversible impairment of a major bodily function, or pregnant person is a victim of rape or incest
- Other abortion bans in Wyoming: None



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The remaining 26 states include:

1. Arizona
2. Alabama
3. Florida
4. Indiana
5. Iowa
6. Montana
7. Michigan
8. North Dakota
9. Nebraska
10. Ohio
11. South Carolina
12. Wisconsin
13. West Virginia