



ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

ALPHA Resolution 7-2007 LATE BREAKER 11/28/07

Protecting and Enhancing Women's Ability to Obtain Safe, Legal Abortion Services

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Noting that since 1973, the US Supreme Court's landmark *Roe v. Wade* decision has ensured that all women, throughout the US, have the right to abortion¹ by allowing elective abortions before viability, or afterwards in order to preserve the health of the woman,² and

Recalling that, on April 18, 2007 the US Supreme Court upheld a federal law banning a specific abortion procedure without including a health exception for women³ thus opening the door for states to further restrict abortion, with an understanding that the courts will now allow legislation that does not include an exception to preserve a woman's health.^{4,5} and

Learning that some analysts have also suggested that in this decision the Supreme Court demonstrated a willingness to overturn the *Roe v. Wade* decision⁶, and

Noting that in the months since the Supreme Court decision, the number of abortion restrictions proposed at the state level has drastically increased. According to the Guttmacher Institute,⁷ in the first nine months of 2007 alone, the following legislative measures were proposed at the state level:

- Abortion bans set in place to replace *Roe*, should it be overturned at the federal level, were introduced in 12 states.
- Proposed laws requiring that women seeking abortions undergo mandatory counseling and then wait a specified period of time (usually 24 or 48 hours) before undergoing an abortion were introduced in 24 states.
- Proposed laws requiring that minors obtain parental consent or that at least one parent be notified were introduced in 15 states.
- Bans on specific abortion procedures were introduced in 9 states.
- Limits on private insurance coverage of abortion were introduced in 8 states.



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- Restrictions on public funding of abortion for low income women were introduced in 15 states.
- Increased requirements regarding reporting statistical information to state agencies by clinicians providing abortion procedures were introduced in 12 states.
- Targeted regulations of abortion providers or clinics (additional mandated equipment, requirement of admitting privileges, classifying abortion clinics as ambulatory surgical centers or other classifications requiring increased regulation, etc) were introduced in 15 states.

Recognizing that the American Public Health Association Governing Council approved a late breaking resolution urging states to be vigilant concerning court actions on abortion rights, The Alaska Public Health Association urges the Alaska State Legislature, elected and appointed officials to:

1. Repeal or oppose state laws that in any way limit access to safe abortion services, including, but not limited to:
 - a. mandatory delays and information/counseling that is not science-based,
 - b. bans on specific abortion procedures,
 - c. parental consent or notification requirements,
 - d. targeted regulation of abortion providers, and
 - e. limits for advanced practice clinicians in providing abortion services.
2. Support state laws that improve access to safe abortion services including but not limited to:
 - a. Provide funding for abortion care via state Medicaid funds
 - b. Maintain medical decision making within the patient-health care provider relationship
 - c. Strengthen and enshrine the current federal protection on the right to access abortion under Roe v. Wade
 - d. Allow trained advanced practice clinicians to provide medication and aspiration abortions
 - e. Protecting health facilities and clinicians who provide abortion care, and.

Urges public health workers and advocates to take action at the local and state levels to ensure access to safe and legal abortion by supporting the above, regardless of the political climate.

Adopted by vote of the ALPHA general membership on the 3rd day of December, 2007.



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Endnotes:

1. Roe v. Wade, 410 U.S. 113 (1973).
2. Reproductive Rights: Key Cases. Center for Reproductive Rights.
http://www.reproductiverights.org/crt_roe_cases_roe.html
3. This opinion covers two cases – *Gonzales v. Planned Parenthood* and *Gonzales v. Carhart*. The federal abortion ban, known as the Partial Birth Abortion Ban Act of 2003, was struck down by three circuit courts of appeals: the Eighth Circuit, Ninth Circuit and Second Circuit, upholding district court decisions in Nebraska, California and New York, respectively. *Carhart v. Gonzales*, 413 F.3d 791 (8th Cir. 2005); *Planned Parenthood Federation of America v. Gonzales*, 435 F.3d 1163 (9th Cir. 2006); *Nat'l Abortion Federation v. Gonzales*, 437 F.3d 278 (2d Cir. 2006). The Court accepted the Eighth and Ninth Circuits decisions, heard them in tandem, and issued one opinion for both cases.
4. “*Gonzales v. Carhart*: The Supreme Court Turns Its Back on Women’s Health and on Three Decades of Constitutional Law” National Women’s Law Center. <http://www.nwlc.org/pdf/GonzalesvCarhart2.pdf>
5. U.S. Supreme Court Upholds Federal Ban on Abortion Methods. American Civil Liberties Union.
<http://www.aclu.org/reproductiverights/abortionbans/29778res20070518.html>
6. *Gonzales v. Carhart*: The Supreme Court Turns Its Back on Women’s Health and on Three Decades of Constitutional Law” National Women’s Law Center. <http://www.nwlc.org/pdf/GonzalesvCarhart2.pdf>
7. Monthly State Update: Major Developments in 2007. Guttmacher Institute.
<http://www.guttmacher.org/statecenter/updates/index.html#reporting> Accessed: October 24, 2007.