



Abortion Rights and Access in the Courts

Roe v. Wade was not the end of the fight for reproductive rights. After *Roe*, some states continued placing restrictions on abortion, making the procedure increasingly difficult to access. Reproductive rights activists took these laws to court with mixed results. In 1992, the Supreme Court weighed in on the issue in *Planned Parenthood v. Casey*. The case affirmed the core ruling of *Roe v. Wade* but also upheld that state-mandated barriers to abortion were legal if they did not impose an "undue burden" on the person seeking abortion services. However, the definition of "undue burden" is broad and up for interpretation.

Recent cases include:

- ***Whole Women's Health v. Hellerstedt***: In 2016, the Court ruled that a Texas targeted regulation of abortion providers (TRAP) law was overly burdensome to those seeking abortion care and, as a result, was unconstitutional.
- ***June Medical Services, LLC v. Russo***: In 2019, the Court ruled that the Louisiana state law placing hospital-admission requirements on abortion clinic doctors was unconstitutional, upholding its own precedent and reaffirming the constitutional right to abortion care
- ***United States v. Texas and Whole Women's Health v. Jackson***: The Texas legislature passed a law, SB 8, that prohibits abortions after about six weeks of pregnancy. The law also criminalizes any person who "aids or abets" any such abortion and permits any private citizen (as opposed to the state itself) to file a lawsuit for damages against such persons. The decisions in these cases in December 2021 and January 2022 allowed Texas's SB 8 law to remain in effect.

In July 2022, the Court decided in *Dobbs v. Jackson Women's Health Organization* to overturn *Roe v. Wade* and the Supreme Court decisions following that affirmed *Roe*. This case directly

challenged the *Roe* decision and dealt with the constitutionality of a 2018 Mississippi state law that banned abortions after the first 15 weeks of pregnancy. The Dobbs decision has, and will, cause extensive devastation to millions, as pregnant people are forced to travel over state lines to receive care, carry their pregnancy to term, or risk their life carrying a dangerous pregnancy. Providers and abortion seekers also risk criminalization when giving or obtaining care which could negatively impact employment, financial security, immigration status, and more. The decision also suggests that the Supreme Court may strike down other fundamental rights, including the right to contraception, in future cases.