KNOW YOUR RIGHTS: ABORTION IN TEXAS

www.aclutx.org/abortion
Is abortion legal in Texas?
Yes. You have a constitutionally protected right to decide whether and when to become a parent, including the right to terminate a pregnancy. While Texas cannot prohibit abortions outright, the state can impose some restrictions. Restrictions on abortions in Texas generally make it more difficult or expensive.

How far into pregnancy can I have an abortion?
Texas bans abortions after 20 weeks post-fertilization, unless you have a life-threatening medical condition or the fetus has a severe abnormality. Under Texas law, after 16 weeks post-fertilization, your abortion can only be performed at an ambulatory surgical center or hospital.

How many visits will I have to make to an abortion provider?
Texas law requires you to make at least two trips to the abortion provider. The state requires you to undergo a sonogram and receive state-mandated paperwork about medical risks, adoption alternatives, and developmental stages of the fetus. [Some of the information in this paperwork is false.] The state also requires you to wait 24 hours after receiving the sonogram and state-mandated paperwork before having your abortion. This 24-hour waiting period can be waived if you live 100 miles or more from the nearest abortion provider.

Do I have to see the same doctor for all visits?
Yes. Texas law mandates that the doctor who performs your sonogram must be the same doctor who performs your abortion. The state also requires you to schedule any follow-up appointments with the same doctor. This means you cannot get your sonogram from one healthcare provider, and then go to a different doctor for the actual procedure.

Do I have to view the sonogram images?
Texas law requires the doctor performing your sonogram to display the images, make any heartbeat audible, and verbally explain the results of the sonogram. However, you may choose to not view the sonogram images or hear the audio, and there are exceptions to receiving a verbal explanation of the sonogram results. Talk to your doctor if this is a concern.

Where in Texas can I get an abortion?
Because of recent regulations like those enacted as part of House Bill 2 in 2013, there has been a dramatic drop in the number of abortion providers in Texas. The following cities have more than one or more abortion providers: Austin, Dallas, Fort Worth, El Paso, Houston, McAllen, and San Antonio. For a full list of abortion providers in Texas, go to: www.needabortion.org.

What are my options for an abortion procedure?
Your doctor will give you an abortion either by giving you a pill to take, or by performing a procedure in the doctor’s office. Both options are effective and safe forms of terminating a pregnancy. Your choice depends on a number of factors including your preference, how far along you are in your pregnancy, and available options at your abortion provider. Talk to your doctor about which option is best for you.

Can I get an abortion in Texas if I’m under 18 years old?
Yes. If you are under 18, Texas law generally requires you to get the consent of your parent or legal guardian. If you are legally emancipated, you do not need the consent of a parent or legal guardian.

What if I don’t have consent for an abortion from my parent or legal guardian?
A minor under 18 can get an abortion without the consent of her parent or legal guardian by filing an application for judicial bypass. Judicial bypass is a judge’s permission for you to have an abortion without your parent or guardian’s consent. The process is entirely confidential. If the judge finds that you are mature enough to decide for yourself or that telling your parents would not be in your best interests or could lead to abuse, he or she will give you a court order you can take to your doctor. If you think you might need a judicial bypass, there are lawyers who can help you. Jane’s Due Process assists minors with the judicial bypass process, including providing legal representation. You can reach them by phone at 1-866-999-5263 or online at: janessdueprocess.org.
How much does an abortion cost?
The cost of an abortion varies depending on several factors including how far along you are in your pregnancy and which abortion provider and method you choose. The cost in the first trimester is between $300 and $800 for a medication abortion and between $300 and $1,500 for a surgical abortion. Hospitals generally charge more. If you need an abortion but you can’t afford one, there are many clinics and non-profits that will help you pay for it. Go to fundtexaschoice.org/need-help/ for more information.

Is abortion covered by my health insurance plan?
No, unless you purchase separate abortion insurance. Starting December 1, 2017, Texas law forbids insurers from covering abortion as part of your overall health insurance plan, unless you need an abortion to save you from death or serious physical injury. Military insurance and Medicaid only cover abortion in cases of rape, incest, or life-threatening conditions.

Is abortion safe?
Yes, abortion is an extremely safe and common procedure. At current rates, about one in three American women has an abortion by the age of 45. Abortions happen without any major complications in more than 99.975% of cases. That means an abortion is about as safe as a colonoscopy.

Will having an abortion put me at an increased risk for breast cancer?
No. Although Texas requires your doctor to read you a statement suggesting that there is an increased risk of breast cancer after an abortion, it’s just not true. Cancer experts and women’s health experts agree that there is no such risk. For example, the American Cancer Society has concluded that no scientific research studies demonstrate a cause and effect relationship between abortion and breast cancer.

Will I still be able to get pregnant again if I have an abortion?
Yes. Abortion hasn’t been shown to cause complications in subsequent pregnancies, and there is no scientific evidence that abortion is linked to infertility.

Is it true that Texas has some of the most restrictive abortion laws in the U.S.?
Yes. Texas’s abortion laws are some of the most restrictive abortion laws in the country. Both the American College of Obstetricians and Gynecologists and the American Medical Association oppose some of Texas’s abortion laws because excessive restrictions on abortion care jeopardize women’s health. As a result of Texas abortion laws, there are not enough abortion clinics to serve us in the nation’s second-most-populous state. About 900,000 reproductive-age women in Texas live more than 150 miles from an abortion clinic.

Weren’t these laws struck down by the Supreme Court?
The Supreme Court struck down two of Texas’s anti-abortion laws in 2016: a law requiring doctors who provide abortions to have admitting privileges at a local hospital, and a law requiring abortion clinics to make themselves into ambulatory surgical centers, which are basically mini-hospitals. The Court ruled that these laws had nothing to do with health or safety, and they only served to block access to abortion.

The Court’s ruling concerned only those two laws—the other laws described in this pamphlet are still in full effect. What’s worse, before the Supreme Court could make its decision, the damage was already done. The unconstitutional laws forced many clinics to close, and Texas is left with just a handful of clinics to serve millions of women of reproductive age.
What other laws regulate abortion in Texas?

From the time of the Roe v. Wade decision in 1973, Texas law has always required that only doctors perform abortions, regulated abortion clinics to keep patients safe, and limited third-trimester abortion to rare and severe medical cases. But over the last 15 years, anti-abortion politicians have tried to stop women from accessing abortion by passing unnecessary restrictions:

- **2003**: Texas passed the so-called “Women’s Right to Know Act.” The law mandates that a woman’s doctor give her misleading information about the abortion procedure and alternatives to terminating the pregnancy, and after that, makes a woman wait 24 hours before the abortion procedure. The law also requires that all abortions at 16 weeks post-fertilization or later be performed in an ambulatory surgical center, which is basically a mini-hospital. Not one of Texas’s 54 non-hospital abortion providers met the standard of an ambulatory surgical center when the law took effect in 2004.

- **2005**: Texas banned so-called “late-term” abortions (after 24 weeks) and also enacted a requirement of parental consent for girls under 18 seeking an abortion.

- **2011**: Texas enacted a mandatory sonogram law requiring a woman seeking an abortion to undergo a sonogram at least 24 hours before her abortion procedure. The law requires doctors to display the sonogram, make the fetal heartbeat audible, and give a verbal explanation of the result of the sonogram.

- **2013**: Texas passed House Bill 2, or “HB2” as it is commonly known, an omnibus abortion bill signed into law by former Governor Rick Perry that imposed several additional restrictions on abortion:
  - Doctors must have admitting privileges at a hospital within 30 miles of the abortion facility.
  - Abortion after 20 weeks post-fertilization is banned, unless a woman is at risk of death or the fetus has a severe medical problem.
  - Doctors administering medication abortion must follow a state-mandated protocol.
  - All abortion facilities must meet the standards of ambulatory surgical centers (mini-hospitals), even if a facility only provides abortion by giving women pills to swallow.

Reproductive rights advocates challenged two parts of this law in the Supreme Court, arguing that the law had nothing to do with health or safety. The Supreme Court agreed, and struck down the admitting privileges and ambulatory surgical center requirements in 2016. Other portions of the law remain in effect.

- **2015**: Texas heightened the burden of proof for a minor seeking judicial bypass and restricted the minor’s options for seeking judicial bypass in a county other than her home county.

- **2016**: Texas’s state health agency required clinics to pay extra money to bury or cremate the tissue resulting from an abortion, essentially treating the tissue like a person. Reproductive rights advocates challenged this law as unrelated to women’s health, and a court agreed and stopped the law from going into effect.

- **2017**: Texas banned the safest and most common procedure for second-trimester abortions, forcing doctors to either use experimental procedures or stop providing second-trimester abortions altogether. Reproductive rights advocates challenged this law as an undue burden on the right to abortion, and a court agreed and stopped the law from going into effect.

- **2017**: Texas banned insurers from including coverage for abortion in a comprehensive health insurance plan, requiring women to purchase separate coverage for abortion care.