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 certain restrictions. Restrictions on abortions in Texas generally make it more difficult or expensive.

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

How many visits will I have to make to an abortion provider?
Women seeking an abortion are currently required to make at least two trips to the abortion provider. State law requires you to undergo a sonogram and receive state-mandated information about medical risks, adoption alternatives, and developmental stages of the fetus. You must wait twenty-four hours after the sonogram and state-mandated disclosures before having your abortion. This twenty-four hour waiting period can be waived if you live 100 miles or more from the nearest abortion provider.

If you opt for a medication abortion, you may have to make up to four visits to an abortion provider. First, you must go in for the consultation and sonogram. Then, you will be required to make two separate appointments for the first and second doses of the drug. Finally, state law requires physicians to schedule a follow-up appointment with you within 14 days after the administration or use of the drug.

Do I have to see the same physician for all visits?
Yes. The physician who performs your sonogram must be the same physician who performs your abortion. Any follow-up appointments must also be scheduled with the same physician. This means you cannot get your sonogram from one healthcare provider, and then go to a different hospital or abortion provider for the actual procedure.

Do I have to view the sonogram images?
State law requires that the physician performing the sonogram display the images, make the 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 physician 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: prochoicetexas.org/resources/how-to-get-an-abortion-in-tx/.

What are my options for an abortion procedure?
Abortions can be performed either through the administration of medication or surgically. 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 physician 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. A judicial bypass is a process that allows you to seek permission from a judge without notifying your parent or guardian. 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 physician. 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: janesdueprocess.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 cannot afford one, many clinics and non-profits provide financial assistance. Go to fundtexaschoice.org/need-help/ for more information.

Is abortion covered by my insurance?
You should check with your insurance provider, but the majority of insurance companies cover elective abortion to some degree. Military insurance and Medicaid are only required to 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 will have had an abortion by the age of 45. Major complications occur less than one quarter of one percent of the time, about the same frequency as complications from colonoscopies.

Will having an abortion put me at an increased risk for breast cancer?
No. Although your physician is required to make a state-mandated disclosure to you suggesting an increased risk of breast cancer after an abortion, cancer 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 HB2 is one of the most restrictive abortion laws in the U.S.?
Yes. HB2 is considered to be one of the most restrictive abortion laws in the country. Both the American College of Obstetricians and Gynecologists and the American Medical Association opposed HB2 because excessive restrictions on abortion care jeopardize the health of women in Texas. As a result of HB2, there are many fewer abortion clinics, mostly in large cities, serving the nation’s second-most populous state. About 900,000 reproductive-age women in Texas live more than 150 miles from an abortion clinic.

What does HB2 mean for me?
For more information about HB2 and the impact on Texas women, visit http://www.utexas.edu/cola/txpep/. The Policy Evaluation Project concludes that HB2’s restrictions have forced clinics to close and made care more expensive:

- **Admitting Privileges**: Because abortion is so safe and the risk of transferring a patient from an outpatient abortion clinic to a hospital is less than 0.1%, most physicians who perform outpatient abortions do not have admitting privileges at nearby hospitals. Clinics that cannot secure privileges for their physicians have been forced to close. Texas initially lost 14 clinics out of 36 when the admitting privileges requirement went into effect in October 2013.
- **20-Week Ban**: The 20-week ban disproportionately impacts a vulnerable population of women who have difficulty accessing reproductive healthcare, including young women, women with chronic illness, and women living in poverty.
- **Restrictions on Medication Abortion**: HB2 requires abortion providers to follow outdated and inferior FDA medication abortion protocols approved in 2000 and to adhere to dosages described in the American College of Obstetricians and Gynecologists Practice Bulletins written in 2005. These restrictions on medication abortion require women to make up to four separate visits to the same doctor. Many Texas women do not have the time, money, transportation, or other resources to make these visits. Additionally, many clinics are unable to bring in the same doctor for these four separate appointments, resulting in clinics no longer being able to offer medication abortion to their patients.
- **Ambulatory Surgical Center Requirement**: Most clinics and facilities would have to undergo expensive and excessive physical modifications in order to meet the standards of an ambulatory surgical center. Many will close as a result. In 2012, only 21% of abortions in Texas were performed in ambulatory surgical centers. HB2 requires all abortion centers to meet the standards of ambulatory surgical centers, even those facilities that only provide medication abortion. As of June 2015, Texas has 18 legal abortion providers, eight of which are licensed ambulatory surgical centers. A ninth is scheduled to open in Fall 2015.
What other laws regulate abortion in Texas?

From the time of the Roe v. Wade decision in 1973 until recently, Texas had passed very few laws regulating or restricting abortion. The law has always dictated that only physicians could legally perform abortions and that the Texas Department of Health oversee clinics, and that third-trimester abortions were illegal unless an abortion was necessary to save the life of the woman or in the case of severe fetal abnormality. Recently, Texas has imposed more restrictions:

- **2003**: The so-called “Women’s Right to Know Act” was passed in Texas. The law requires a 24-hour waiting period before an abortion and mandates that the patient receive state-approved disclosures about the procedure and alternatives to terminating the pregnancy. It also requires that all abortions at 16 weeks post-fertilization or later be performed in an ambulatory surgical center. Not one of Texas’s 54 non-hospital abortion providers met the standard of an ambulatory surgical center when the law took effect on Jan. 1, 2004.

- **2005**: The Texas Legislature 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**: The state enacted a mandatory sonogram law requiring women seeking an abortion to undergo a sonogram at least 24 hours before the procedure. The law requires physicians to display the sonogram, make the fetal heartbeat audible, and give a verbal explanation of the result of the sonogram.

- **2013**: The legislature 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:
  - Physicians must have admitting privileges at a hospital within 30 miles of the abortion facility.
  - Abortion after 20 weeks post-fertilization is banned, unless the woman has a life-threatening medical condition or the fetus has a severe abnormality.
  - Doctors administering medication abortion must follow a state-mandated protocol.
  - All abortion facilities must meet the standards of ambulatory surgical centers, including facilities that only provide medication abortion.

- **2015**: The state 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.