

# Americans' Knowledge and Attitudes About Abortion Access and the Pending Supreme Court Ruling

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**KFF**

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# Moderator & Presenters



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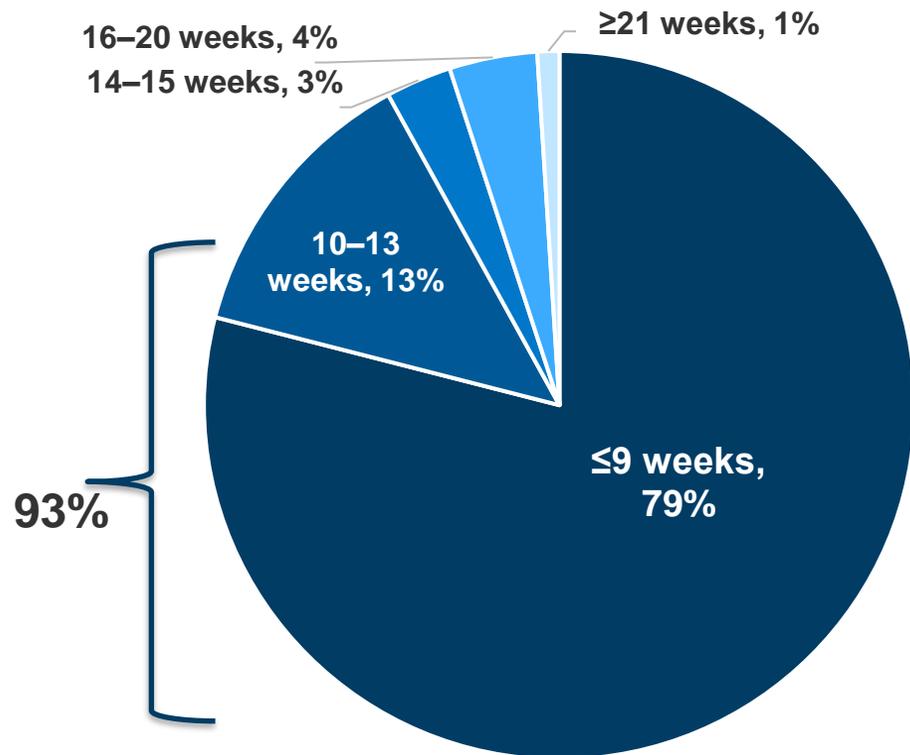
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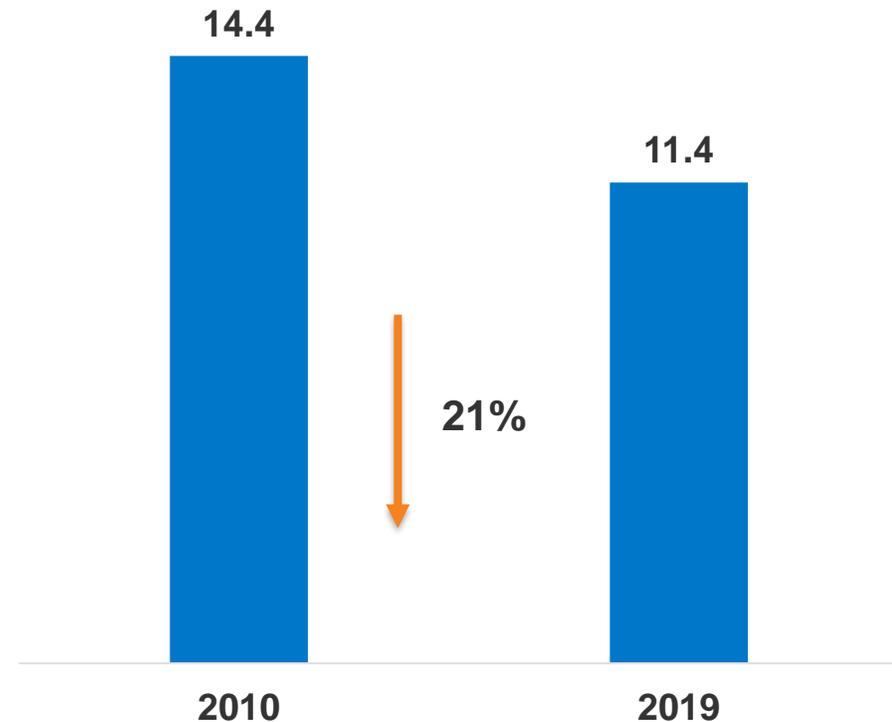
# Most Abortions are Obtained Earlier in Pregnancy and the Abortion Rate Has Been Falling over Time

9 in 10 abortions in the US occur in the first trimester, 2019



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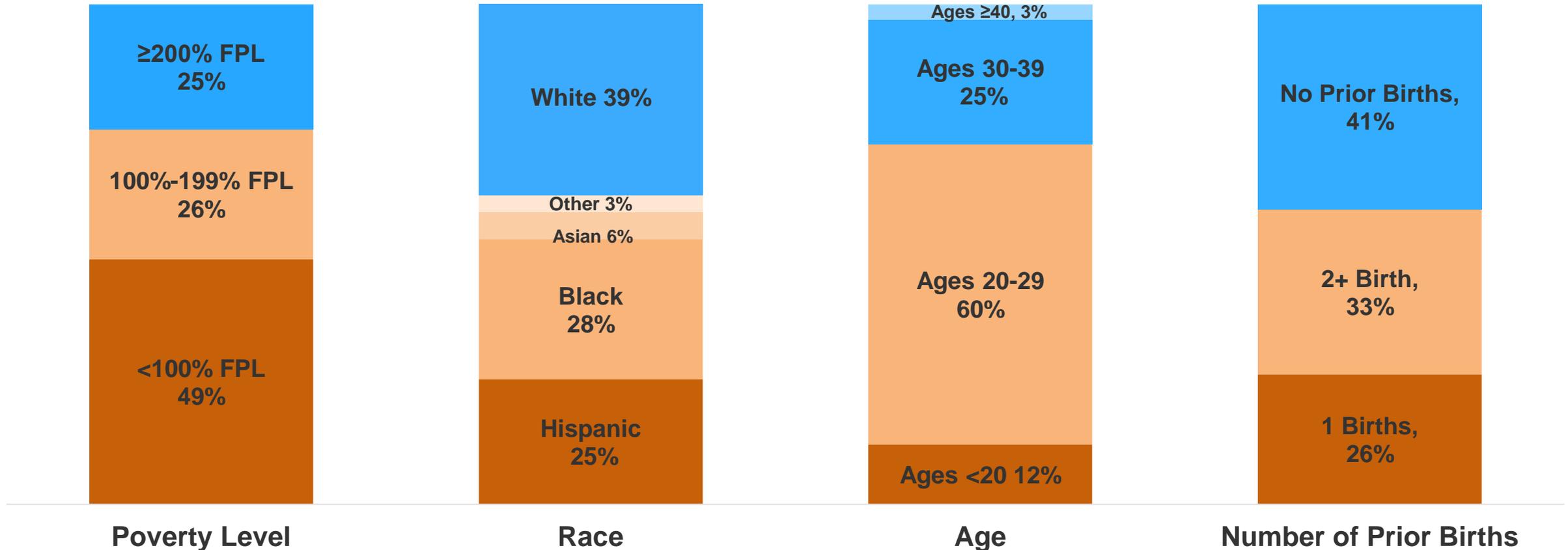
Abortion rate per 1,000 women aged 15-44



NOTE: Gestational data are from 43 reporting areas; excludes nine reporting areas (California, DC, Illinois, Maryland, Massachusetts, New Hampshire, New York State, Pennsylvania, and Wisconsin) that did not report, did not report by gestational age, or did not meet reporting standards. Abortion rate data are for 48 reporting areas; excludes California, DC, Maryland, and New Hampshire.

SOURCE: Kortsmit K, Mandel MG, Reeves JA, et al. [Abortion Surveillance — United States, 2019](#). MMWR Surveill Summ 2021;70(No. SS-9):1–29.

# Women Who Get Abortions Have Been Disproportionately Low-income, Women of Color, Young, and Have Children



NOTE: The Federal Poverty Level (FPL) was \$11,670 for an individual in 2014.

SOURCE: Guttmacher Institute, Characteristics of U.S. Abortion Patients in 2014 and Changes Since 2008, May 2016.

# Many States Already Greatly Restrict Access to Abortion

State laws in effect as of June 2022

Topic of abortion restriction law	Number of states
Ultrasound provision	27 states
State-imposed threshold for abortions later in pregnancy	22 states
Waiting periods - between 18 – 72 hours	27 states
Parental notification and consent	37 states
Sex and race selection abortion ban	11 states
Targeted regulations of abortion providers and clinics	24 states
Counseling on irrelevant/misleading abortion information	18 states
Medication abortion restrictions	33 states
Inaccurate information medication abortion reversal	8 states
Bans on certain types of abortion procedures	23 states



# The Supreme Court is reviewing a case challenging a Mississippi law that bans abortion after 15 weeks (pre-viability) and could overturn *Roe v. Wade*

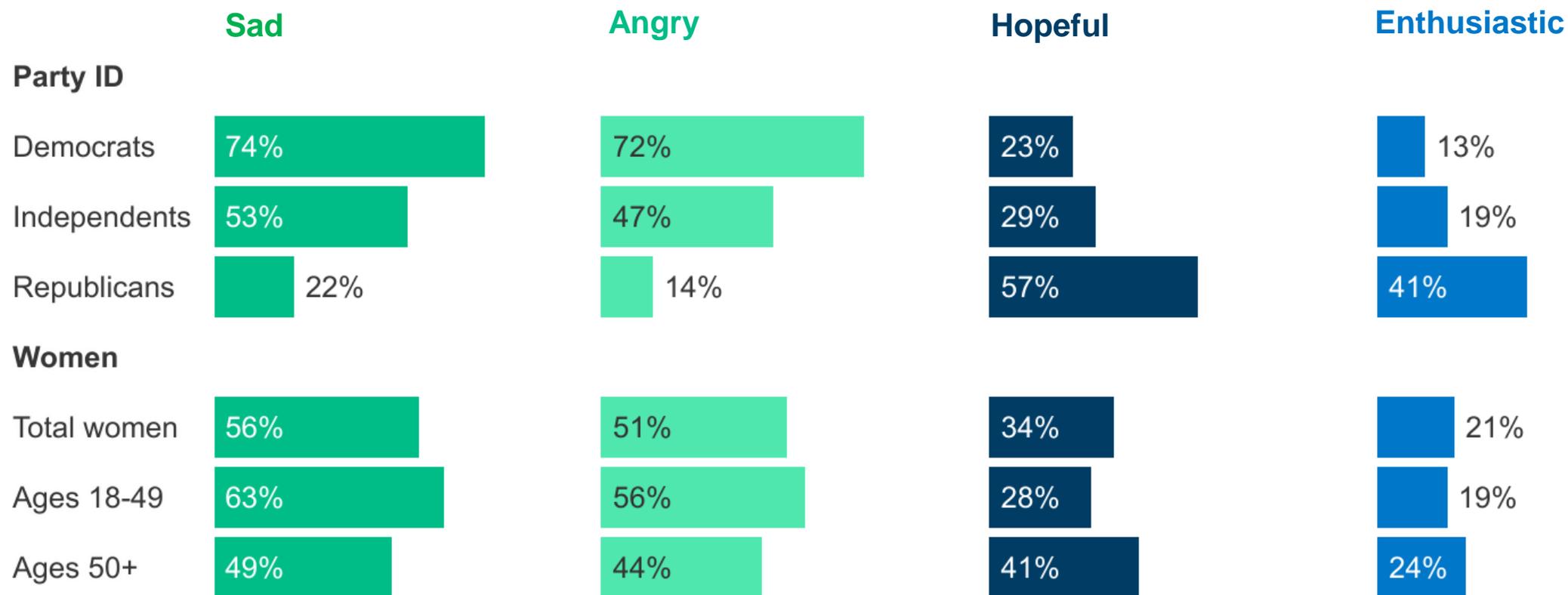
- On December 1st, the Supreme Court heard oral arguments for ***Dobbs v. Jackson Women's Health*** – a case challenging the **15-week gestational abortion ban in Mississippi**. (There is only one abortion clinic in MS (Jackson Women's Health) which provides abortions up to 16 weeks)
- **The State of Mississippi is asking the Court to overturn *Roe v. Wade*** claiming the case was decided incorrectly and there is no difference in the state's interest in protecting unborn life *before and after* viability.
- **Leaked draft opinion, authored by Justice Alito, signals that the Court is likely to overturn *Roe*.**
- **The Court ruling expected at the end of June.**

# KFF Health Tracking Poll

- KFF has a long history of providing insights into national and state-level reproductive health care policy including a series of public opinion polls examining the experiences and attitudes of the general public and the group most likely to be impacted by such policies – women between the ages of 18 and 49.
- The latest KFF Health Tracking Poll was conducted May 10-19, 2022 among a nationally representative sample of 1,537 adults over the phone and online.
  - A large oversample of women between the ages of 18 and 49 ( $n=615$ ) in order to provide deeper cuts into the population most directly impacted by reproductive health policies.
- The field work was conducted by SSRS and the margin of error for the full sample is 3 percentage points.
- KFF is a charter member of the AAPOR Transparency Initiative.

# Nearly Three-Fourths Of Democrats Say They Would Feel Sad, Angry About Supreme Court Overturning *Roe*, Most Republicans Are Hopeful

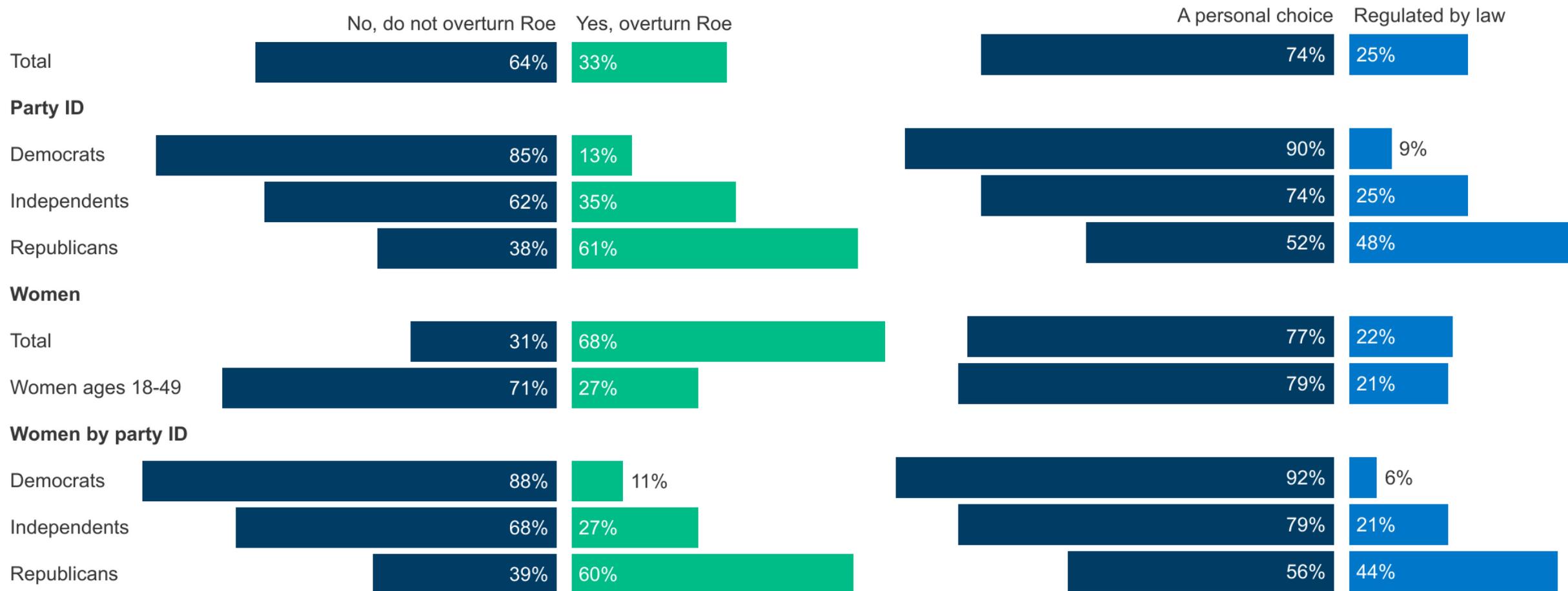
Percent who say they would feel...if the Supreme Court were to issue a final decision overturning *Roe v. Wade* and allowing states to ban abortion:



NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)

# Most Don't Want *Roe* Overturned And Many Say Abortion Is A Personal Choice, Not Something That Should Be Regulated By Law



NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)

# Large Shares Of Adults In States With Trigger Bans Or Pre-Roe Abortion Bans Are Not Aware That Abortion Would Become Illegal In Their State If The Ruling Is Overturned

Do you think that abortion would continue to be legal in your state if *Roe v. Wade* were overturned, or would it immediately become illegal, or are you not sure?

■ Would continue to be legal ■ Would immediately become illegal ■ Not sure

## States where abortion would immediately be banned if *Roe* is overturned



## States with explicit protections for abortion access



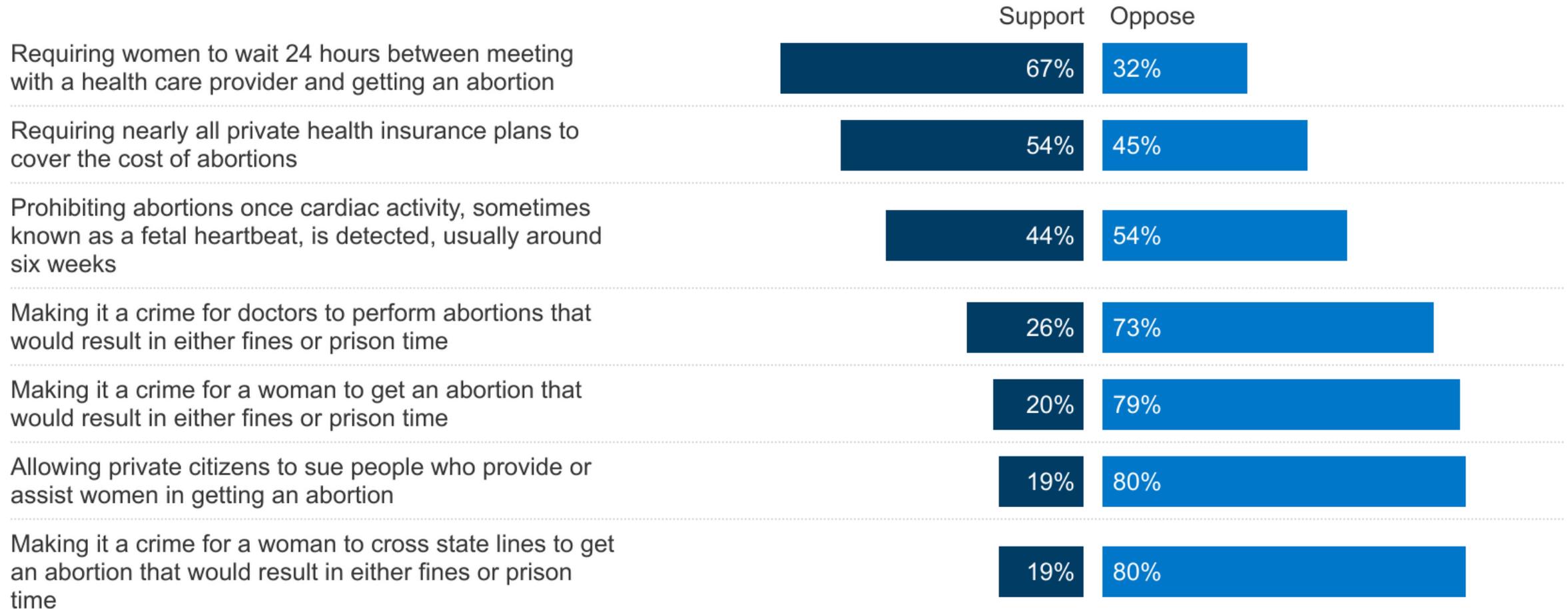
NOTE: States with trigger laws or pre-Roe bans: AL, AZ, AR, ID, KY, LA, MS, MO, ND, OK, SD, TN, TX, UT, WV, WI, WY. States (and DC) with explicit protections for abortion access: CA, CO, CT, DE, DC, HI, IL, ME, MD, MA, NV, NJ, NY, OR, RI, VT, WA. See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)



# At Least Seven In Ten Oppose Laws That Would Criminalize Women Or Doctors For Abortions, Majority Support 24-Hour Waiting Period

Do you **support** or **oppose** laws...?



NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)



# Majorities Of Republicans Support Both 24-Hour Waiting Period And Fetal Heartbeat Bans

Percent of those who support:

	Party ID			
	Total ▼	Democrats	Independents	Republicans
Requiring women to wait 24 hours between meeting with a health care provider and getting an abortion	67%	52%	69%	90%
Requiring nearly all private health insurance plans to cover the cost of abortions	54%	78%	53%	24%
Prohibiting abortions once cardiac activity, sometimes known as a fetal heartbeat, is detected, usually around six weeks	44%	26%	44%	70%
Making it a crime for doctors to perform abortions that would result in either fines or prison time	26%	13%	25%	47%
Making it a crime for a woman to get an abortion that would result in either fines or prison time	20%	9%	19%	36%
Allowing private citizens to sue people who provide or assist women in getting an abortion	19%	10%	14%	32%
Making it a crime for a woman to cross state lines to get an abortion that would result in either fines or prison time	19%	11%	14%	35%

NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)



# Lack Of Awareness And Knowledge Around Abortions, Including Majorities Who Aren't Aware Of Medication Abortion

Two-thirds of adults (64%) say they personally know someone who has had an abortion, yet persistent lack of knowledge remains around the reality of abortion procedures in the U.S.

- About half of U.S. adults **(49%) incorrectly** say that less than 10% of women in the U.S. have had an abortion, when the actual share is closer to one-quarter.
- Majorities **(63%) incorrectly** say most abortions occur after eight weeks of pregnancy, while one-third correctly say most occur fewer than eight weeks into pregnancy.
- While medication abortion now accounts for **more than half of all abortions** in the U.S., fewer than three in ten U.S. adults (27%) say they have heard of the medication abortion pill known as mifepristone. **Women ages 18-49** (40%) are twice as likely as women ages 50 and older (19%) and men (23%) to say they have heard of the medication abortion pill.
- Most (92%) adults have heard of emergency contraceptive pills, “Plan B,” and while they say they know it is not the same as medication abortion, a substantial share **(73%) incorrectly** think that emergency contraceptive pills can end a pregnancy in its early stages.

NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)



# All Data Indicates The 2022 Midterms Will Be All About The Economy, But Could Overturning *Roe* Impact Some Voters' Turnout?

About one-third (**37%**) of voters say that if the Supreme Court were to issue a final decision overturning *Roe*, they would be **more motivated** to vote in the 2022 midterms.

- The group that reports being more motivated to vote are pro-choice (75%), younger (55% under age 50), half are Democrats (51%), and about four in ten are liberal (38%).
- About **half (52%)** of voters overall say they are **more likely to vote for a candidate** in the upcoming election who wants to **protect access to abortion**, about one-quarter (27%) are more likely to vote for a candidate who will limit access to abortion, and one in five voters say a candidate's position on abortion does not matter to their vote
- One in five voters (20%) who say they would be **more motivated to vote**, they want candidates to **protect access to abortion**, and they **won't vote for a candidate** who disagrees with them on this issue.
- Few voters (4%) say they would be **more motivated to vote**, they want candidates to **limit access to abortion**, and they **won't vote for a candidate** who disagrees with them on this issue.

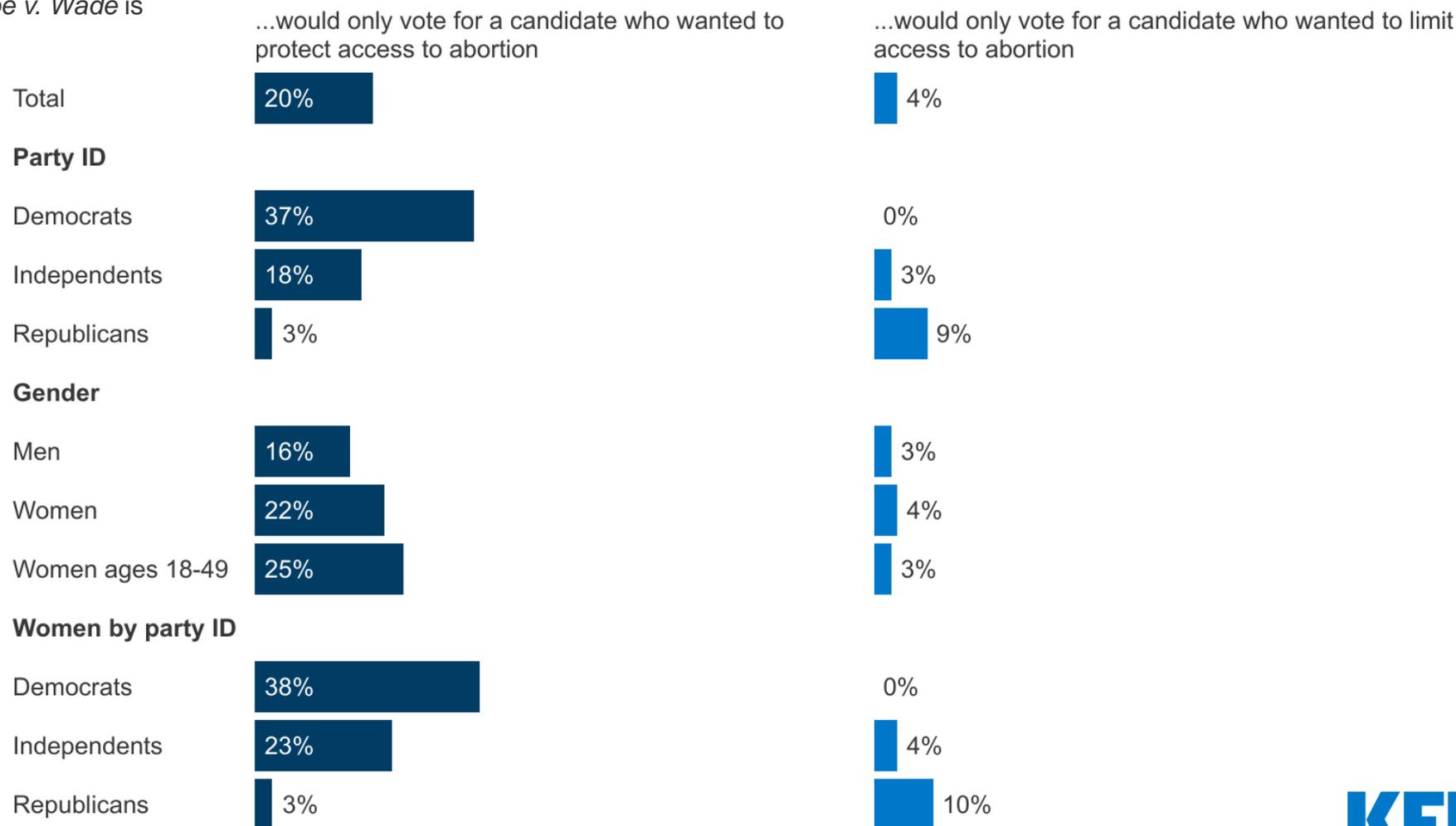
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SOURCE: KFF Health Tracking Poll (May 10-19, 2022)



# One In Five Voters Say A Decision To Overturn *Roe* Will Make Them More Motivated To Vote, And They Will Only Vote For A Candidate Who Wants To Protect Access

Percent of voters who say they would be **more motivated to vote** in the midterms if *Roe v. Wade* is overturned and they...



NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)



# In Their Own Words

“I feel very strongly that everyone should have access to abortion, and I would be even more inclined to use my right to vote to help myself and others who think alike.” -21 year-old Democratic woman, Kentucky

“Murder shouldn’t be legal.” -46 year-old independent man, Minnesota

“We need more moral minded leaders voted in.” -73 year-old Republican woman, Tennessee

“I’m moderate not conservative. Every choice of a woman has different circumstances. I feel they should not all be subject to one blanket law. Democrats are more open minded about that.” -48 year-old Democratic woman, Missouri

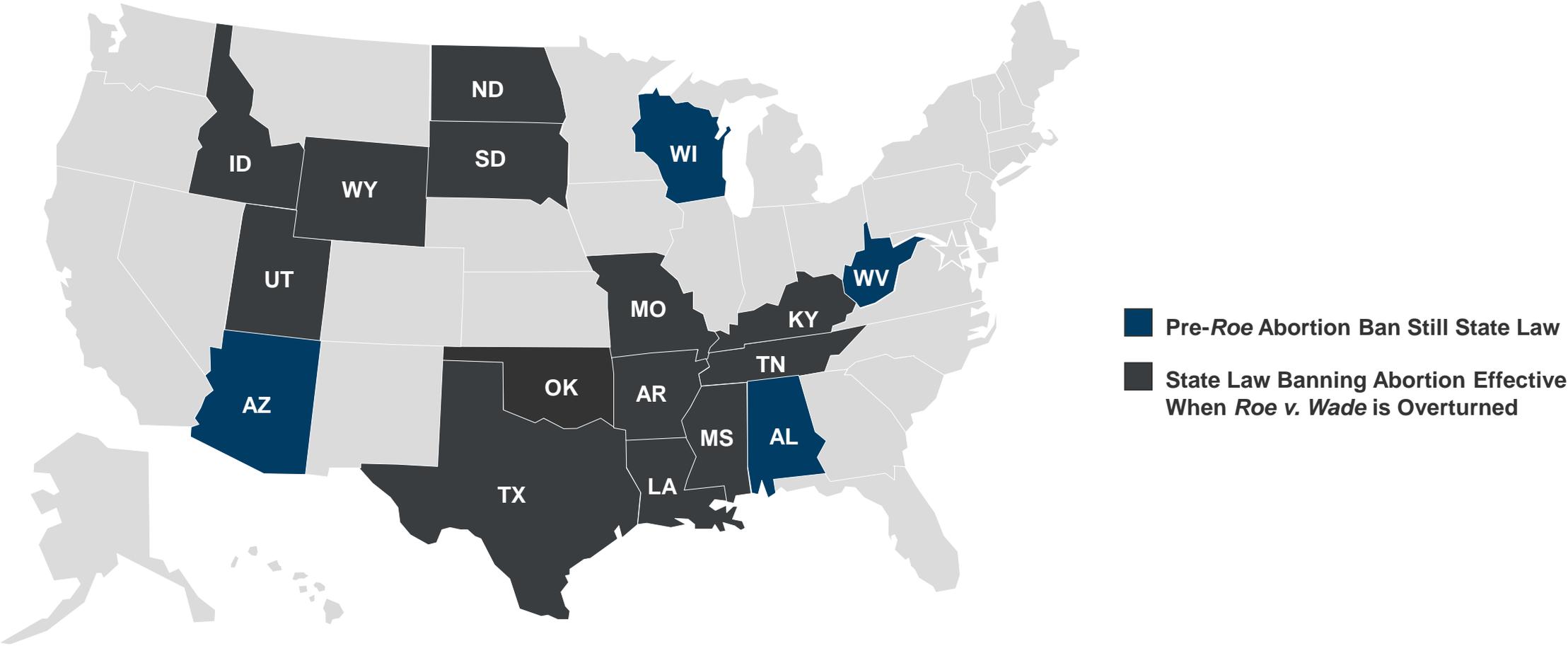
NOTE: See topline for full question wording.

SOURCE: KFF Health Tracking Poll (May 10-19, 2022)

# If *Roe* is overturned, states will be able to regulate abortion – with no federal standards

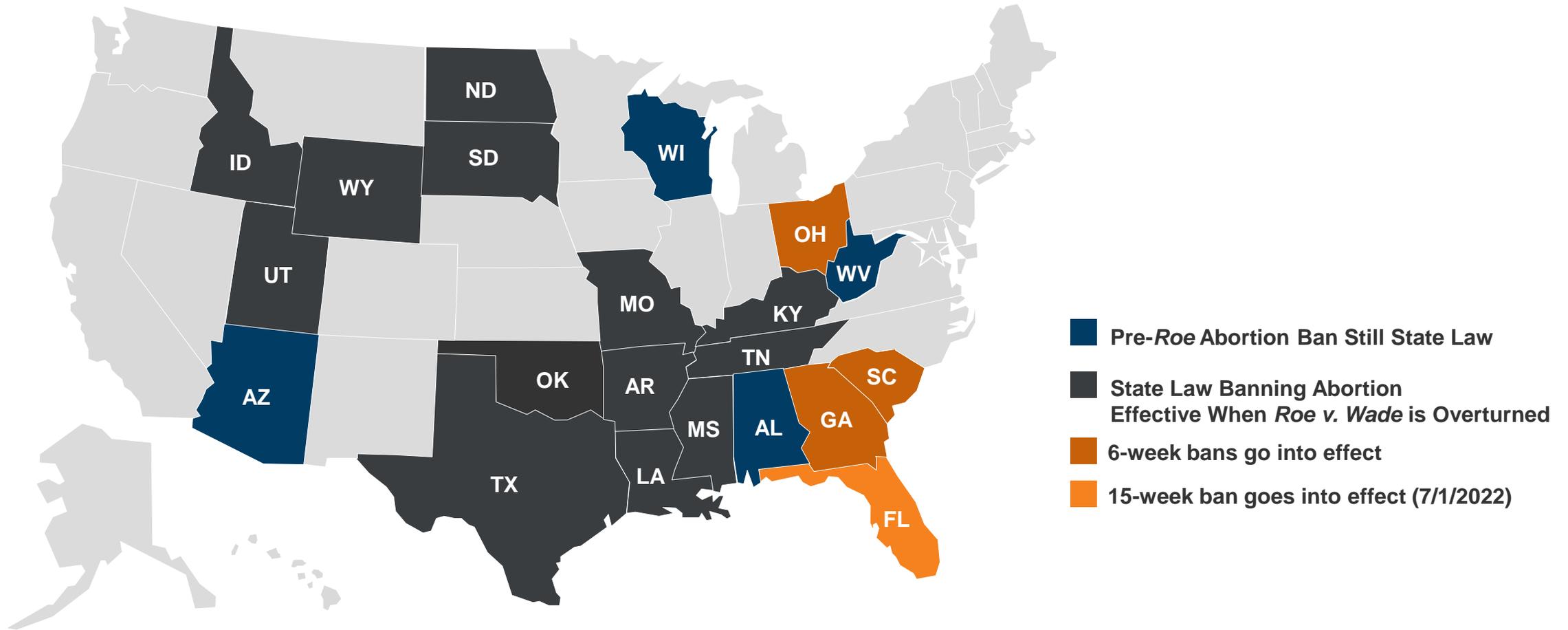
- **States will be able to ban abortions** – They will be able to impose civil and criminal penalties on people who get an abortion and those who provide abortion services.
- **States will be able impose restrictions making abortion access very limited – without outright banning it**
  - Restrictions including requiring clinics to look like hospitals or surgical centers and clinicians to have hospital admitting privileges at nearby hospitals that the Supreme Court had ruled unconstitutional in other cases would now be allowed
- **States can choose to maintain and protect abortion rights**

# 17 States Have Either Pre-Roe Bans or "Trigger" Laws



NOTE: \*The State Supreme Courts recognize the right to abortion under the State constitution  
SOURCE: KFF, State Policies and Court Decisions Regarding the Legal Status of Abortion, May 2022.

# An Additional Four States have Gestational Bans that Could be Implemented Shortly after a Decision

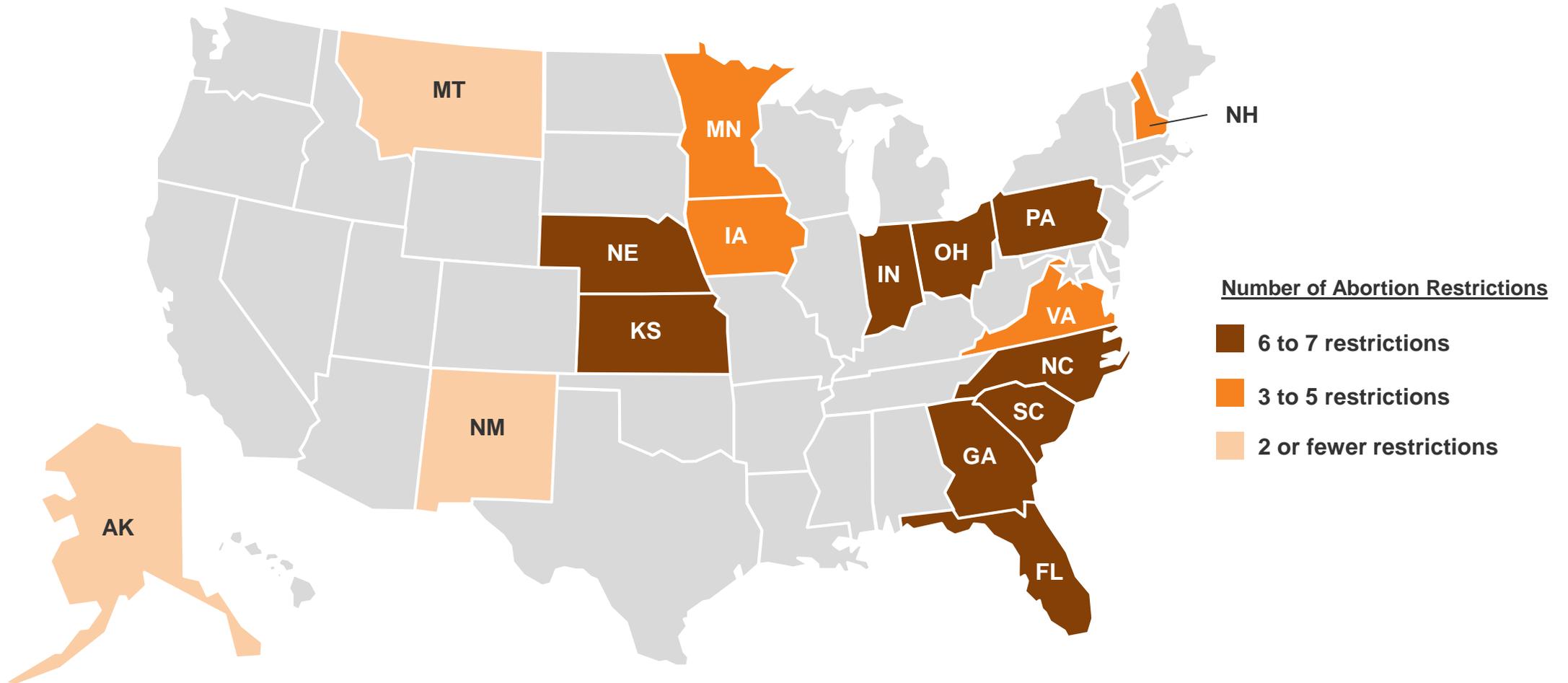




# State Actions to Preserve and Expand Abortion Access

- Enacting Legal Protections for Pregnant People and Clinicians
- Funding for People Seeking Care and Clinics
- Requiring Insurance Coverage without Cost-sharing
- Increasing Reimbursement Levels to Providers
- Training for Clinicians and Expanding Pool of Clinicians Providing Abortion Care
- Ensuring Accurate Information is Widely Available for People Seeking Care

# Most States without Laws Expressly Protecting or Banning Abortion Already have Numerous Abortion Restrictions



NOTES: The number of abortion restrictions listed includes 7 main categories, counseling requirements, waiting periods, ultrasound requirements, parental notification and consent requirements, gestational limits, restrictions on insurance coverage for abortion, and state regulations of facilities and clinicians providing abortions.

SOURCE: KFF, [Abortion at SCOTUS: Dobbs v. Jackson Women's Health](#), May 2022.

# State Constitutional Protections for Abortion

Future Litigation Challenging State Restrictions will likely be in State Courts

- **State Supreme Court Decision**

- Six states have state supreme court decisions establishing a state constitutional right to abortion (but no state law explicitly protecting abortion)

- Alaska, Minnesota, Montana
- Florida (15-week ban effective July 1st), Iowa (but has enjoined 6 week-ban), Kansas (ballot measure)

- **Ballot Initiatives**

- Banning Abortion

- Colorado is collecting signatures to consider constitutional amendment to ban abortion
- Kentucky and Kansas will have constitutional amendment stating that nothing in the state constitution creates a right to abortion on the ballot

- Protecting Abortion

- Arizona, California, Michigan, Vermont are in process to consider constitutional amendment to protect abortion

# Legal Concerns for Clinicians & Pregnant People

- **Penalties Will Vary — Fear of prosecution or civil penalties will be a deterrent for many**
  - Some states will impose criminal penalties including jail time
  - Some states might have civil penalties like Texas and Oklahoma
    - Idaho passed similar law but blocked by court
    - Alabama, Louisiana, Missouri, Ohio, Tennessee considering similar bills
- **Interaction between States**
  - Unclear if states will try to prosecute clinicians providing services in other states where abortion will be legal and how states criminalizing abortion would enforce penalties
  - Some states have passed laws to protect clinicians and people seeking services from civil and criminal liability imposed by other states

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# The Future of Abortion

- Access to abortion will continue to depend on where you live, but if the Court overturns *Roe*, huge swaths of the country will lack abortion access
- The states will be in the driver's seat, and the outcome of the midterm elections will affect abortion access in a handful of states.
- Some people will turn to medication abortion, either through telehealth or through self-managed options, but this will only provide abortion access to those early in their pregnancy
- Many people will have to travel long distances to obtain abortions, across state and national borders. But some will not be able to get an abortion because they can't afford it or can't take time off from work or family responsibilities.
- Congressional action on this issue is unlikely to pass. The Administration has few options to act on its own.
- The need for accurate reliable information about abortion and contraception will only grow, but be challenged by ongoing disinformation/misinformation efforts