

Issue: VA Abortion Policy

Talking Points—Trigger Laws and Abortion Policy in Virginia

Background

Virginia is among the states with highly restrictive abortion laws. For example:

- Most women must receive counseling that includes information designed to discourage them from having an abortion, and then must wait 24 hours before the procedure is provided.
- A woman must undergo an ultrasound at least 24 hours before obtaining an abortion.
- Health plans offered in the state's health exchange under the Affordable Care Act and for public employees may cover abortion only if the woman's life is endangered or in cases of rape or incest.
- The parent of a minor must consent before an abortion is provided.
- Abortions must be performed by a licensed physician. A second physician must participate if abortion is at viability (24 weeks gestation).
- Abortions must be performed in the hospital if the pregnancy is in the second trimester.
- Abortion is prohibited in the third trimester except in cases of life or health endangerment.
- Refusal by individual providers and institutions to perform abortions is permitted.

Reflecting the Virginia majority who believe abortion should be legal, Democrats, in 2018 and 2019, proposed nine bills in Virginia to remove restrictions on reproductive care. All died in Republican-controlled committees. Conversely, conservative legislators in Virginia have proposed over 100 legislative and regulatory restrictions on abortion access during the past decade.

Roe v. Wade and Trigger Laws

The recent shift in the balance of the U.S. Supreme Court toward a conservative, pro-life stance has emboldened anti-abortion proponents to propose unconstitutional laws in direct opposition to *Roe v. Wade*. These attacks on *Roe v. Wade* are intended to eventually reach the Supreme Court.

Should the Supreme Court overturn *Roe*, some states have written trigger laws—restrictions on abortion that go into immediate effect in such an event. These laws, in essence, ‘pull the trigger’ to enact anti-abortion legislation at the earliest possible time, thus preempting any pro-choice measures that might be considered in *Roe*’s stead. Virginia currently does not have a trigger law.

How Can We Protect Reproductive Rights?

If *Roe v. Wade* is overturned, abortion will still be protected in states that have affirmed the right to abortion in their state constitutions. Even short of constitutional protection in Virginia, legislation could be enacted to:

- Establish a legal standard that protects access to abortion
- Guarantee abortion coverage through Medicaid
- Allow advanced practitioners (nurse midwives, nurse practitioners, and physician’s assistants) to provide abortion by law or Attorney General opinion
- Mandate that private health insurance plans cover abortion
- Protect access to abortion clinics

For further details, see the full report: *Trigger Laws and Abortion Policy in Virginia*, available on our website at localmajority.org.