

Issue: VA Abortion

Abortion is Health Care

Abortion is still legal in Virginia, at least for now. In state after state where Republicans hold all levers of power, draconian abortion bans are being enacted. Similar bans have not occurred in Virginia due to Democratic control of the Senate. However, there is no reason to expect Republicans in Virginia would demonstrate restraint should they control both chambers of the legislature after the 2023 elections.

Some Women Denied an Abortion Suffer Grave Health Problems

In states where women and girls are denied access to abortion, serious pregnancy complications have resulted in life-threatening medical emergencies. Seemingly every week, there are new stories of terrifying outcomes for women denied an abortion when medically necessary. Consider the following:

Tara George, of Ohio, learned at 20 weeks of pregnancy that her fetus would likely not survive outside the womb and that she could face life-threatening complications if her pregnancy continued. Because of the six-week abortion ban in Ohio, Tara's doctors were unable to provide an abortion. Fortunately, Tara eventually was able to get an abortion in Michigan.¹

When Elizabeth Weller, of Texas, had her water break 18 weeks into her pregnancy, she and her husband felt that an abortion was the best option. But because the fetus had a "heartbeat," medical personnel were unable to perform an abortion. Several days later, with a raging infection, Elizabeth ended up in the ER, where doctors finally agreed to induce labor.²

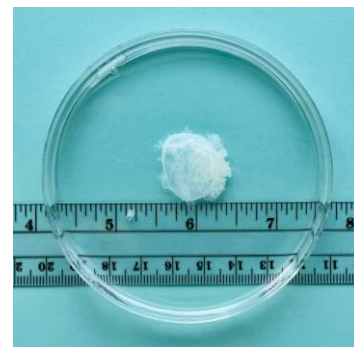
Deborah Dorbert, of Florida, was 23 weeks into a wanted pregnancy when it was discovered that the fetus had severe abnormalities and that the baby would not survive more than a few hours after birth. Fear of running afoul of Florida's new abortion laws, Deborah's physicians refused to do an abortion. She will carry the baby to term, after which the dead baby will be cremated.³

Christina Zielke suffered a miscarriage. On her doctor's advice, she decided to wait for her body to naturally expel the pregnancy tissue. A few weeks later, Christine and her husband traveled from their home in Washington, DC to Ohio for a family wedding. While in Ohio, Christina started bleeding heavily; some of the clots of blood were the size of golf balls. Emergency room staff discharged her instead of treating her. Back at her family home in Ohio, Christina continued to bleed and then passed out. After a 911 call, she was taken back to the same hospital, where she finally had a D&C, saving her life.⁴

Pregnancy tissue at seven weeks

Three physicians who provide abortions recently wrote an essay in the New York Times that included this photo. It shows pregnancy tissue after an abortion at seven weeks.

<https://www.nytimes.com/2023/01/22/opinion/early-abortion.html>



Because abortion (up to 26 weeks and 6 days) is still legal in Virginia, women don't have to worry—at least for now—that they won't be able to receive necessary care if they have pregnancy complications.

Republican Legislation to Limit or Outlaw Abortion in Virginia

The bills listed below did not pass, due to Democratic control of the Senate. But they give a taste of what could come should Republicans completely control the state legislature after the 2023 elections.

HB 1395: Would have legislated that life begins at conception and hence outlaw abortion. Violations could result in a ten-year prison sentence for abortion providers. This bill could also limit some birth control methods such as IUDs.^{5, 6, 7} The medically accepted definition of when pregnancy begins is at implantation, not at conception.

SB 1284: Would have legislated that life begins at conception, hence outlawing abortion.⁸

HB 2278: Would have banned most abortions after 15 weeks. Exceptions could be made only when the woman might die or suffer other irreparable harm. Physicians who do not wait until a patient is clearly dying to perform an abortion could face penalties of up to 10 years in prison.⁹

SB 1483: Would have banned most abortions after 24 weeks.¹⁰

SB 1385: Would have banned most abortions after 15 weeks.¹¹

Fetal heartbeat myths

Some legislative restrictions on abortion hinge on detection of a fetal heartbeat, which some politicians claim can be detected at around six weeks. This is incorrect. Electrical activity from cells of the embryo can be detected at six weeks, but the structure of a heart does not start to develop until about ten weeks. Only at around 17 to 20 weeks of pregnancy is it accurate to refer to a fetal heartbeat. However, it is possible to hear the sound of heart valves at around 10 weeks.

<https://www.nbcnews.com/health/womens-health/heartbeat-bills-called-fetal-heartbeat-six-weeks-pregnancy-rcna24435>

Governor Youngkin does not Support Privacy of Menstrual Data

In Republican-controlled states, very aggressive and punitive laws are being introduced which could punish women who have had or who are considering an abortion. If a woman's period tracker suggests that she has had an abortion, this data could be used to penalize her. In response to these concerns, the Democratic-controlled Senate passed legislation (SB 852) that would have prevented the police from using a search warrant to obtain menstrual data stored on mobile phones. The Republican-controlled House of Delegates tabled the legislation. Governor Youngkin supported the actions of the House.¹² Should Virginia pass draconian anti-abortion legislation, this most private information of Virginia women could be used to penalize them.

States with Abortion Bans Find it Difficult to Attract OB/GYN Doctors

Some OB/GYN doctors are refusing to practice medicine in states with abortion bans. One recruiting firm recently had 20 candidates turn down jobs in states with restrictive abortion laws or bans.¹³ Doctors and nurses in Texas who are leaving the state or their profession because they can no longer provide the care they were trained for are described in this article: <https://slate.com/news-and->

[politics/2023/03/texas-abortion-law-doctors-nurses-care-supreme-court.html](https://www.localmajority.org/politics/2023/03/texas-abortion-law-doctors-nurses-care-supreme-court.html). Abortion bans are also affecting where new doctors are choosing to do OB/GYN and emergency medicine residencies. (Many complications of pregnancy are first treated in the ER.) Although there has been a nationwide decrease of 5% in new doctors who choose to become OB/GYNs, states with abortion bans have seen a 10% drop in residency applications.¹⁴

Abortion Bans Hurt the Economy

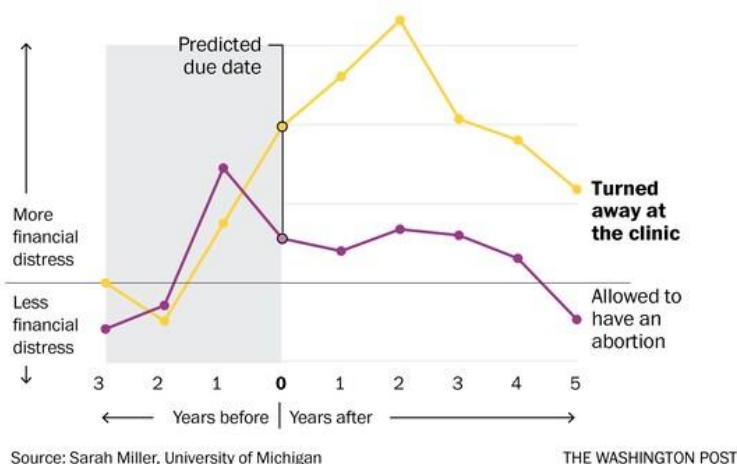
States with abortion bans may find it challenging to retain and recruit workers. The economic ramifications in red states from overturning Roe versus Wade are still playing out. However, a recent survey found that vast majorities of college graduates, people under 30, and women “disapprove” of the Supreme Court’s *Dobbs* decision.¹⁵ Another survey reported that about a third of workers would not consider a job in a state with an abortion ban.¹⁶

The Turnaway Study compared the lives of 1000 women who were able to end an unwanted pregnancy with those who could not. The study lasted 10 years and evaluated every aspect—financial, health, relationships—of their lives. The study found that women who received an abortion were better off by virtually every measure than those women who were unable to get an abortion.¹⁷

Women unable to receive an abortion were more likely to live in poverty, and not have enough money for food and housing.^{18,19} (See graph at right.²⁰) They are three times more likely to be unemployed than those who got an abortion, and thus more likely to be receiving public assistance.^{21,22}

Those denied an abortion struggled more to pay the bills

This composite measure of financial distress reflects relative trends in several separate measures of financial delinquency



What happens to the children whose mothers were denied an abortion?

When a mother is living in financially difficult circumstances, so are her children. Children whose mothers desired an abortion are more likely to have delayed developmental milestones. Their mothers were more likely to resent the child.²³ Domestic violence from a partner is one reason that between 6% and 22% of women want to terminate their pregnancy. Those who are unable to get an abortion are more likely to stay with their partner, subjecting their children to violent fathers.²⁴

If Republicans control both branches of the Virginia legislature and create more barriers to abortion, more women and their children will be living in poverty. Women will be less likely to achieve their educational goals. Fewer women will be in the workforce. Some women will die of pregnancy complications. Virginia will have difficulty attracting recent medical school graduates.

Next on the Docket? Bans on Birth Control

Access to birth control is also coming under attack by Republican legislators. Both fetal personhood laws and laws that conflate emergency contraception with abortifacients intentionally disregard medically established knowledge and have led legislators to restrict access to birth control.

In Justice Thomas’s concurring opinion in the *Dobbs* decision, he wrote, “In future cases, we should reconsider all of this Court’s substantive due process precedents, including *Griswold* (contraception), *Lawrence* (same-sex sexual interaction), and *Obergefell* (marriage equality).”²⁵ The *Griswold* decision in 1965 gave married women a right to contraception.

Please see the Local Majority report *Next on the Docket? Bans on Birth Control* for more information.

Factoids about Abortion

- Abortion is currently legal in Virginia up to 26 weeks and 6 days.²⁶
- Fifty-six percent of abortions in Virginia were performed with medication.²⁷ If mifepristone becomes unavailable, this figure will likely decrease.
- An estimate of 10 to 20% of known pregnancies end in miscarriage before the 20th week.²⁸
- About 8% of all pregnancies have complications that require medical treatment.²⁹

Conclusion

Republican legislators are practicing medicine when they write laws that carve out a few very specific cases for when an abortion can be performed. Legislation that specifies a few exceptions for abortion ignores the knowledge and experience of trained medical professionals. Additionally, when life begins is a philosophical or religious matter, but is one that Republicans are trying to legislate.

Women, their partners, and medical providers should be making decisions about pregnancy and related health care, not Taliban-like Republican politicians. However, if other states are any indication, Virginia Republicans won’t hesitate to make these most personal of decisions for Virginians.

“Forced Birth”

The right has long used “pro-life” to describe their anti-abortion stance. It’s time to reframe the narrative and use the more accurate term: forced birth.

¹ <https://time.com/6208860/ohio-woman-forced-travel-abortion/>

² <https://www.npr.org/sections/health-shots/2022/07/26/1111280165/because-of-texas-abortion-law-her-wanted-pregnancy-became-a-medical-nightmare>

³ <https://www.washingtonpost.com/health/2023/02/18/florida-abortion-ban-unviable-pregnancy-potter-syndrome/>

⁴ <https://www.npr.org/sections/health-shots/2022/11/15/1135882310/miscarriage-hemorrhage-abortion-law-ohio#:~:text=Meredith%20Rizzo%2FNPR-Weeks%20after%20her%20miscarriage%20was%20confirmed%2C%20Christina%20Zielke%20started%20bleeding.there%20was%20no%20fetal%20development.>

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- ⁵ <https://www.13newsnow.com/article/news/politics/virginia-bill-proposes-life-begins-at-conception/291-878f6c00-b475-48ee-8b53-21d0aa83a44c>
- ⁶ <https://vadogwood.com/2023/02/10/heres-where-abortion-legislation-in-virginia-stands-following-crossover-day/>
- ⁷ <https://cardinalnews.org/2023/01/19/virginia-senate-panel-to-hear-15-week-abortion-ban-bill/>
- ⁸ <https://www.washingtonpost.com/dc-md-va/2023/01/26/virginia-assembly-abortion-voting-laws/>
- ⁹ <https://slate.com/news-and-politics/2023/01/virginia-abortion-ban-youngkin.html>
- ¹⁰ <https://www.wjhl.com/news/local/virginia-abortion-bills-rejected-in-subcommittee/>
- ¹¹ <https://www.wjhl.com/news/local/virginia-abortion-bills-rejected-in-subcommittee/>
- ¹² <https://apnews.com/article/abortion-politics-virginia-state-government-karine-jean-pierre-6f2241b7f2d778b8b122d34cd3bf55e>
- ¹³ <https://www.washingtonpost.com/business/2022/08/06/abortion-maternity-health-obgyn/>
- ¹⁴ <https://www.washingtonpost.com/health/2023/04/21/abortion-ban-states-obgyn-residency-applications/>
- ¹⁵ <https://www.pewresearch.org/politics/2022/07/06/majority-of-public-disapproves-of-supreme-courts-decision-to-overturn-roe-v-wade/>
- ¹⁶ <https://www.cnn.com/2022/08/18/how-roes-end-is-changing-millennials-career-plans-and-lives.html>
- ¹⁷ <https://www.npr.org/sections/health-shots/2022/05/15/1098347992/a-landmark-study-tracks-the-lasting-effect-of-having-an-abortion-or-being-denied>
- ¹⁸ https://www.ansirh.org/sites/default/files/publications/files/the_harms_of_denying_a_woman_a_wanted_abortion_4-16-2020.pdf
- ¹⁹ https://www.ansirh.org/sites/default/files/publications/files/turnaway_study_brief_web.pdf
- ²⁰ <https://www.washingtonpost.com/business/2022/05/06/economic-impact-of-denied-abortion/>
- ²¹ <https://www.nbcnews.com/politics/politics-news/lifelong-consequences-what-happens-people-who-can-t-get-abortions-n1278838>
- ²² <http://www-personal.umich.edu/~mille/TurnawayPP.pdf> see page 3.
- ²³ <https://www.statnews.com/2018/12/05/how-abortion-denial-affects-children-well-being/>
- ²⁴ <https://pubmed.ncbi.nlm.nih.gov/25262880/>
- ²⁵ https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf
- ²⁶ <https://www.abortionfinder.org/abortion-guides-by-state/abortion-in-virginia>
- ²⁷ <https://www.virginiamercury.com/2023/04/19/56-of-virginia-abortions-were-performed-via-medication-in-2021/>
- ²⁸ <https://www.mayoclinic.org/diseases-conditions/pregnancy-loss-miscarriage/symptoms-causes/syc-20354298>
- ²⁹ <https://www.hopkinsmedicine.org/health/conditions-and-diseases/staying-healthy-during-pregnancy/4-common-pregnancy-complications#:~:text=Most%20pregnancies%20progress%20without%20incident,occur%20unexpectedly%20and%20are%20unavoidable>