

## **Implementation of the *Women's Protection Project*: How Do the States Measure Up?**

What progress has each of the 50 states made in implementing the component laws and the underlying goals of the *Women's Protection Project*? AUL attorneys have prepared the enclosed chart to track each state's progress and to show where urgent action is needed.

The chart summarizes state laws enacted on or before September 1, 2013 that are in substantial compliance with the requirements of AUL's expertly crafted model legislation. Specifically, the columns list legislative elements of the *Women's Protection Project* or, where appropriate, critical features of the component legislation:

- “Ambulatory Surgical Center Standards for Abortion Clinics”: States displaying an “X” in this column have enacted laws requiring abortion clinics to meet the same patient care standards as facilities performing other outpatient surgeries. States without notations have less protective clinic regulations laws or, in some cases, no clinic regulations at all.
- “Informed Consent”: An “X” in this column denotes the existence of a basic informed consent law requiring women considering abortion to be given information about the abortion procedure, its risks and consequences, and, in some cases, its alternatives.
- “Reflection Period”: States displaying an “X” in this column provide women with a period of time (typically 24 hours) to review and consider the informed consent information they are provided. An abortion cannot be performed until this period has expired. Reflection periods are crucial in ensuring that women's choices are fully informed and that, in many cases, their choices are for life.
- “Parental Involvement Law”: In this column, AUL has noted whether a state has an enforceable parental consent or parental notice law. A principal component of the *Women's Protection Project* is our *Parental Involvement Enhancement Act* which is designed to strengthen existing parental consent and notice laws. Clearly, it is important to know what type of parental involvement law a state has in place before considering how to strategically improve that law.
- “Parental Involvement Enhancements”: AUL's *Parental Involvement Enhancement Act* provides states with 10 different options for strengthening their existing parental consent or notice laws including requirements for notarized documents, requirements for identification and proof of relationship for the person consenting to or receiving notice of the abortion, and specific evidentiary and other standards for a judicial bypass hearing when a minor is seeking the waiver of her state's parental involvement

requirement. In this column, we note which of these enhancements each state already maintains.

- *“Child Protection Act: Abortion Clinic Staff Are Mandatory Reporters”*: AUL’s *Child Protection Act* has three major components. The first component is a requirement that all those working in an abortion clinic – including administrative staff and volunteers, not just licensed medical personnel – are mandatory reporters of suspected child sexual abuse. An “X” in this column denotes a state law or laws designating abortion clinic, “reproductive health center,” and/or family planning clinic staff as mandatory reporters of suspected abuse.
- *“Child Protection Act: Requirement to Retain Evidence”*: The second major component of the *Child Protection Act* is a requirement that, when an abortion is performed on a girl under the age of 14, the abortion provider retain forensic evidence from the abortion that can be used in any subsequent investigation and/or prosecution. States with an “X” in this column have already enacted this or substantially similar requirements.
- *“Child Protection Act: Prohibits/Penalizes Efforts to Circumvent Parental Involvement Laws”*: The final component of AUL’s *Child Protection Act* provides legal remedies for parents or guardians when a third-party such as an abortion clinic employee or a teacher attempts to aid a child in obtaining an abortion without involving her parents as required by the laws of her home state. States with an “X” in this column provide some legal remedy for parents whose legal rights have been violated.
- *“Comprehensive Regulation of Abortion-Inducing Drugs and/or Prohibition of ‘Teled Med Abortions’”*: AUL’s *Abortion-Inducing Drugs Safety Act* includes provisions strictly regulating the administration of abortion-inducing drugs such as RU-486 and effectively prohibiting the practice of “teled abortions,” where these dangerous drugs are provided without an in-person consultation with and examination by a physician. An “X” in this column denotes that a state has one or both of these provisions.
- *“Five-Month Abortion Limitation”*: AUL’s *Women’s Health Defense Act* proscribes abortions at or after 5-months of pregnancy (*i.e.*, 20 weeks gestation) based on concerns for women’s health and the pain experienced by an unborn child. In 2012, Arizona became the first state to enact this protective and innovative law. In this column, we note whether a state has an abortion prohibition beginning at 5-months and the basis for the prohibition: maternal health concerns, fetal pain, or both.