

## Fact Sheet: 2003 Federal Abortion Ban

**What is this law about?** In late 2003, Congress passed and President Bush signed into law the "Partial-Birth Abortion Ban Act of 2003," the first federal law that would ban abortions as early as 12 to 15 weeks in pregnancy. It would outlaw abortions that doctors say are safe and among the best for women's health in the second trimester.

The law is so broad that it would prohibit a wide range of abortions performed in the second trimester. The law fails to safeguard women because it does not contain an exception to protect their health. This law is not about abortions performed late in pregnancy. Forty states and the District of Columbia already ban third-trimester abortions except when the life or health of the woman is at stake.

**Have the courts covered this issue in the past?** The U.S. Supreme Court in 2000 found a similar law (*Stenberg v. Carhart*) to be unconstitutional. In that decision, the U.S. Supreme Court ruled that a Nebraska law similar to the federal law was unconstitutional for two important reasons:

- The Nebraska ban was so broadly worded that it would have prevented doctors from performing procedures used in more than 90 percent of abortions in the second trimester. Thus, the court ruled, the Nebraska ban imposed an undue burden on a woman's constitutionally protected right to choose abortion.
- The Nebraska ban, like the federal ban, did not include a health exception to protect women. The majority opinion in *Stenberg v. Carhart* confirmed that when the state regulates abortion procedures, its paramount consideration must be a woman's health.

**Who opposes this law?** Major medical associations are opposed to this ban, including the American College of Obstetricians and Gynecologists (ACOG), which represents more than 90 percent of all ob-gyn specialists in the U.S. ACOG says "the intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous."

Other major medical organizations that have opposed federal bans on safe, medically-appropriate abortions include: American College of Nurse Practitioners; American Medical Student Association; American Medical Women's Association; American Nurses Association; American Public Health Association; Association of Reproductive Health Professionals; Association of Schools of Public Health; Association of Women Psychiatrists; California Medical Association; National Asian Women's Health Organization; National Association of Nurse Practitioners in Reproductive Health; National Black Women's Health Project; National Latina Institute for Reproductive Health; National Women's Health Network; Physicians for Reproductive Choice and Health; and the Rhode Island Medical Society.

**What is a "partial-birth abortion"? Is this law about "late-term" or "third-trimester" abortions?** The Act defines the term "partial-birth abortion" so broadly that it would prohibit a wide range of abortions performed in the second trimester. Indeed, there is no such medical term as "partial-birth abortion." Nor is this law about third-trimester abortions. Forty states and the District of Columbia already ban third-trimester abortions except when the life or health of the woman is at stake. Instead, the broad language of the law would ban abortions as early as 12 to 15 weeks, and it fails to include a health exception to protect women.

**When do most abortions occur?** The overwhelming majority of abortions are performed in the first trimester of pregnancy. The Centers for Disease Control estimates that 58 percent of legal abortions occur within the first eight weeks of gestation, and 88 percent are performed within the first 12 weeks (based on the most recent data from 2000). Just over 10 percent are performed between 13 and 20 weeks. Less than one-half-of-one percent occur after 24 weeks.