

GAINING GROUND

EXECUTIVE SUMMARY

YEAR IN REVIEW 2018



THE NATIONAL INSTITUTE FOR REPRODUCTIVE HEALTH'S 2018 REPORT, *Gaining Ground: Proactive Reproductive Health and Rights Legislation in the States*, documents the tremendous work of advocates, legislators, and governors who moved forward innovative, proactive policies to protect and advance reproductive freedom in 2018. The past year was marked by the continued efforts of a hostile federal government to roll back reproductive rights and deny access to reproductive health care; a controversial appointment to the U.S. Supreme Court that cemented a conservative majority potentially for decades to come; and the continued rise of the #MeToo movement. Despite, and in some cases as a result of, this hostile and reactionary political environment, **27 states and D.C. enacted a record 100 bills to protect and expand reproductive freedom in 2018 - more than each of the previous four years.**

Gaining Ground captures how state advocates and legislators in 44 states – nearly every state that had a legislative session this year – worked in solidarity to introduce 422 proactive bills across six policy areas, nearly half (191) of which moved through at least one committee: **expanding access to abortion, improving access to contraception, increasing access to pregnancy care, promoting comprehensive sexuality education for all young people, supporting parents and families, and prohibiting discrimination based on reproductive decisions or health.** Advocates and lawmakers galvanized public support to push bold, creative ideas over the finish line, including legislation to decriminalize abortion, expand insurance coverage for reproductive health services, and ensure that incarcerated women have access to reproductive health care and are not subject to state coercion or abuse. These policy wins will serve as a source of inspiration for states working to advance reproductive freedom for all people in their states in the years to come.

TO READ THE FULL REPORT, VISIT www.nirhealth.org

SIGNIFICANT TRENDS IN 2018

PROTECTING AND EXPANDING ABORTION ACCESS

- **Massachusetts** decriminalized abortion, repealing the state’s century-old criminal abortion law; **New York’s** Assembly passed the Reproductive Health Act, which would decriminalize abortion, including self-managed abortion, and expand abortion access. **New Mexico, Rhode Island,** and **West Virginia** each introduced bills to repeal their own unconstitutional pre-Roe criminal abortion bans.
- **California’s** legislature passed a bill that would have required each student health center at a public university to offer medication abortion, but their efforts to expand abortion access were thwarted by a veto from Governor Jerry Brown.

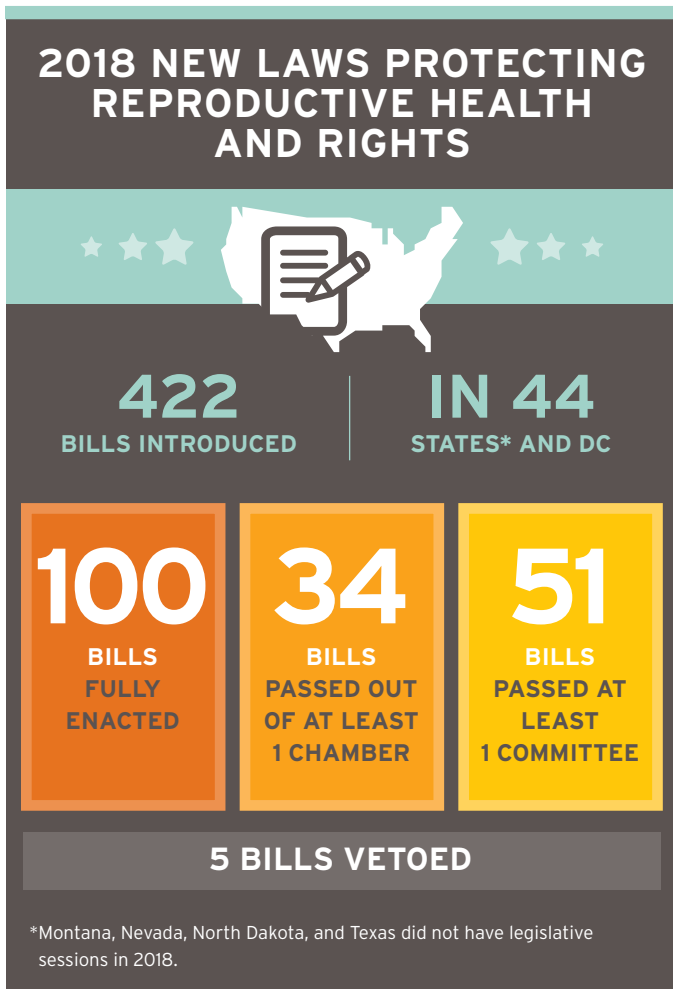
- **Washington** enacted the Reproductive Parity Act, requiring any insurance plan that covers maternity care to also cover abortion services, and **Colorado, Hawaii, New Jersey,** and **Washington** introduced bills to ensure coverage for the full range of reproductive health care, including abortion, for every resident.

IMPROVING ACCESS TO CONTRACEPTION

- After seven years of advocacy and just one month into the start of the new legislative session, **New Jersey’s** new entirely pro-choice state government restored long-withheld and much-needed family planning funding.
- **Maryland** and **New Hampshire** passed laws requiring insurance companies to cover a dispersal of 12 months of contraception at one time.
- **Connecticut, Delaware,** the **District of Columbia,** **Maine, Rhode Island,** and **Washington** passed laws that would guarantee no copay coverage for contraception.

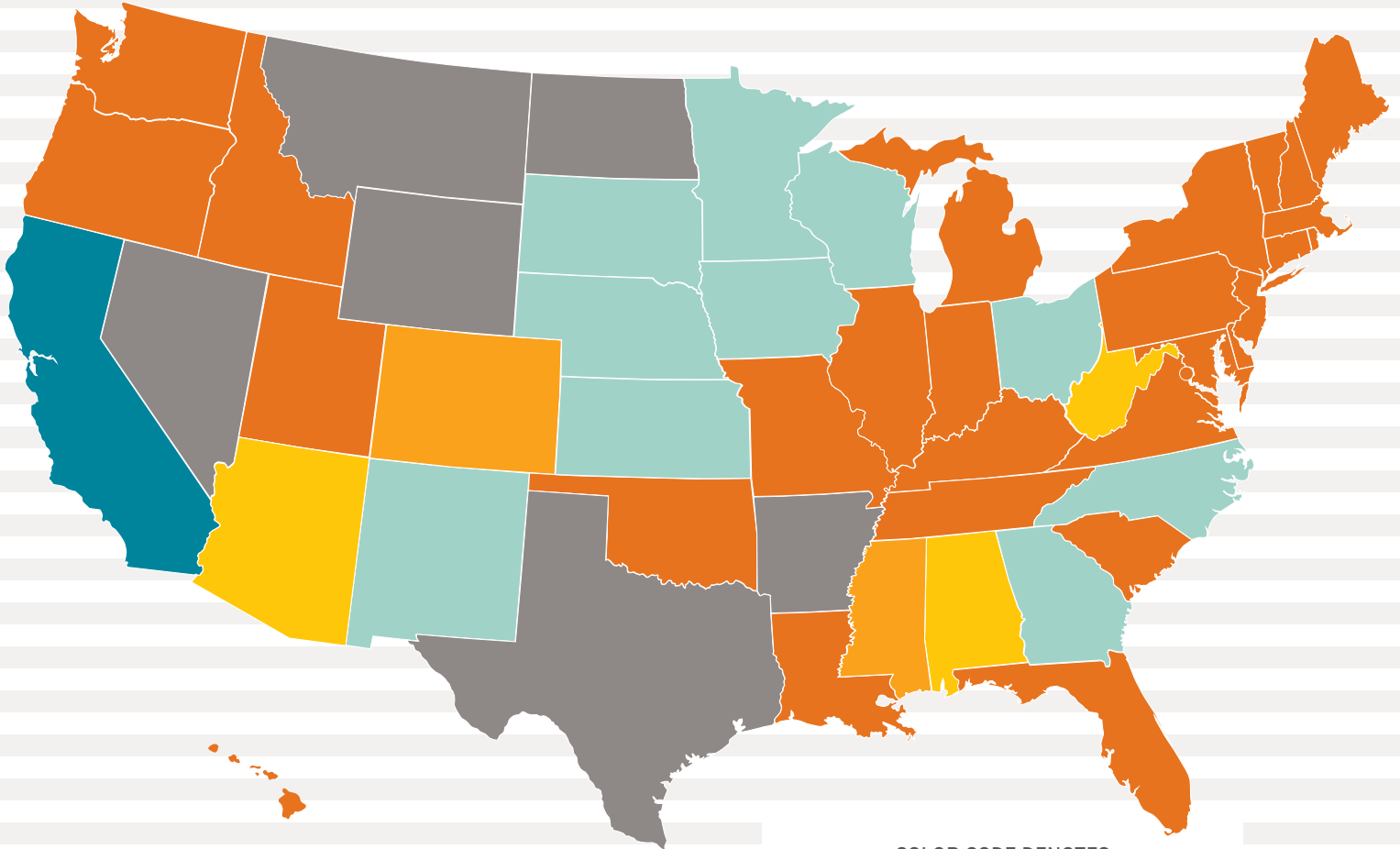
PROTECTING MARGINALIZED AND INCARCERATED WOMEN

- **Tennessee** enacted a law that prohibits courts from considering, as a factor in a criminal sentencing proceeding, an individual’s consent or refusal to consent to any form of birth control, sterilization, or family planning services.
- **Connecticut, Kentucky,** and **Oklahoma** passed comprehensive bills improving the lives and health of incarcerated women, banning several shackling practices, improving nutrition, and expanding access to substance abuse treatment.
- Nine other states – **California, Delaware, Illinois, Louisiana, Maryland, New York, Rhode Island, Virginia,** and **Washington** – passed legislation aimed at improving the reproductive health and lives of incarcerated women.



MOVEMENT OF PROACTIVE LEGISLATION FOR REPRODUCTIVE HEALTH, RIGHTS, AND JUSTICE

AS OF DECEMBER 15, 2018



COLOR CODE DENOTES THE FURTHEST AT LEAST ONE BILL MOVED IN A GIVEN STATE

- ENACTED LEGISLATION
- AT LEAST ONE CHAMBER PASSED LEGISLATION
- AT LEAST ONE COMMITTEE PASSED LEGISLATION
- INTRODUCED LEGISLATION
- VETOED LEGISLATION
- NO LEGISLATIVE ACTION

MOVING FORWARD: EIGHT POLICY IDEAS FOR 2019

As advocates and legislators come together to determine their policy agendas for 2019 and look for ways to protect reproductive rights, improve access to reproductive health care, and change the public conversation about reproductive health, rights, and justice in the face of unprecedented attacks, NIRH suggests considering legislation to accomplish the following:

1. **Protect the right to decide when and whether to become a parent, including the right to decide to have an abortion**, by repealing state laws that restrict rights and access, like waiting periods or bans on insurance coverage for abortion.
2. **Improve the health of women and families** by enacting legislation providing insurance coverage for the full range of reproductive health care, including contraception and abortion, prenatal care, postpartum care, and breastfeeding support and supplies.
3. **Ensure that no woman or other person who becomes pregnant will be investigated, prosecuted, or imprisoned for managing their own abortion** by repealing laws that criminalize self-managed abortion and enacting legislation that makes it clear that no one can be prosecuted or jailed for ending their own pregnancy.
4. **Expand access to the full range of contraceptive options** by mandating that insurance companies must cover all forms of contraception without additional barriers and by allowing patients to obtain a year's worth of birth control with one prescription.
5. **Keep abortion patients and providers safe** by ensuring that employees, volunteers, or clients of reproductive health providers can request that their private, personal information – including where they live and information about their children – be kept off the internet and away from those who seek to harass and harm them.
6. **Protect and promote the health of incarcerated pregnant women and other pregnant incarcerated people** by prohibiting shackling during pregnancy, requiring prisons and jails to meet prenatal and postnatal health and nutrition standards, creating lactation and breastfeeding support programs for postpartum women, requiring courts and prosecutors to strongly consider alternatives to incarceration for anyone who is pregnant or lactating, and following through on all of those guarantees.
7. **Support the ability of pregnant and parenting young people to stay in school** by ensuring that pregnant students can take time off to get pregnancy care or abortion care, requiring schools to help students catch up when they return, and providing young parents with sick days specifically to take care of sick children, without needing them to get a doctor's note.
8. **Ensure that no one's reproductive decisions are coerced by the government** by prohibiting any court or other state entity from making a benefit from the state – such as a reduced sentence – contingent on agreeing to use contraception, be sterilized, or make any other decision about one's reproductive life.