



GAINING GROUND: PROACTIVE REPRODUCTIVE HEALTH AND RIGHTS LEGISLATION IN THE STATES

2020 has been a year like no other, with the COVID-19 pandemic upending daily life and uprisings protesting racism highlighting systemic inequities, all during an election year in which seats from the White House to the statehouse were on the line. Through it all, reproductive health, rights, and justice hung in the balance.

State legislative policy proposals to protect and advance reproductive freedom have steadily increased since 2014, as NIRH's annual *Gaining Ground* policy reports have shown. Over the last four years, the hostility to abortion access and safety net programs from the Trump Administration and the Supreme Court have motivated state governments

and voters themselves to pass greater protections for reproductive health, rights, and justice. In 2019, for instance, NIRH documented an unprecedented nine states that took action to protect abortion rights and access.

In 2020, the COVID-19 pandemic hit the United States in early March, which would otherwise have been the peak of legislative activity. Lawmakers prioritized efforts to mitigate the impact of the pandemic. Most states recognized the vital importance of access to reproductive health care, with some governors deeming abortion and other reproductive health care as "essential" and keeping abortion clinics open (see our [Midyear report](#) for details).



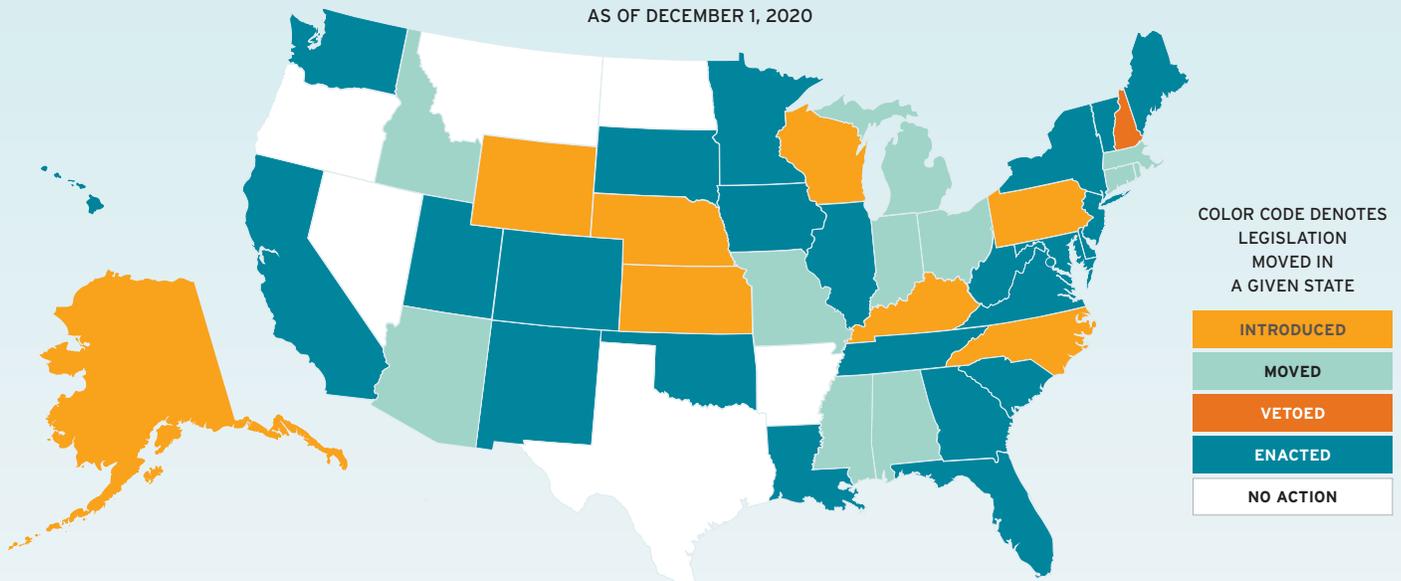
2020 LEGISLATION BY THE NUMBERS

| | TOTAL | INTRODUCED | MOVED | VETOED | ENACTED |
|---|------------|------------|------------|----------|-----------|
| Legislation expanding access to abortion | 57 | 41 | 10 | 1 | 5 |
| Legislation improving access to contraception | 77 | 50 | 16 | 0 | 11 |
| Legislation increasing access to pregnancy care | 167 | 116 | 29 | 2 | 20 |
| Legislation supporting parents and families | 116 | 80 | 25 | 1 | 10 |
| Legislation promoting comprehensive sexuality education for all young people | 16 | 11 | 4 | 0 | 1 |
| Legislation prohibiting coercion and discrimination in reproductive health care | 175 | 100 | 46 | 2 | 27 |
| TOTAL | 608 | 398 | 130 | 6 | 74 |



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

AS OF DECEMBER 1, 2020



COLOR CODE DENOTES LEGISLATION MOVED IN A GIVEN STATE

INTRODUCED

MOVED

VETOED

ENACTED

NO ACTION

The following trends represent states' best efforts this year in addressing some of our nation's most complicated reproductive health challenges:

- ABORTION** – There were fewer proactive bills regarding abortion in 2020 than in previous years (57 bills introduced, five enacted), yet advocates and law-makers continued to push forward on two key priorities: restoring and expanding access and safeguarding rights. Two new laws were enacted, in Virginia and the District of Columbia. At the close of the year, two states, Massachusetts and New Jersey, were urgently moving forward legislation to eliminate barriers and protect rights, confronting a new Supreme Court that is all but certain to roll back or eliminate federal constitutional protections for abortion.
- CONTRACEPTION** – States' priorities for improving access to contraception in 2020 were to ensure 12 months of birth control in one prescription, allow pharmacists to directly prescribe or provide oral contraception, and enshrine the ACA guarantee of contraception access in state law. In all, 77 bills were introduced, 11 of which were enacted.
- PAID LEAVE** – The number of states to consider paid family and medical leave proposals (88 bills) increased from 2019. Despite the pandemic – or in some cases, spurred by it – nine new paid family leave laws were enacted in eight states. As the pandemic shut down schools and childcare centers, advocates and lawmakers began to recognize the need to incorporate school

closures into family and medical leave laws – by the close of the year, only New Jersey had enacted such a law, but other states were considering them.

- MATERNAL HEALTH AND PREVENTING MATERNAL MORTALITY** – 37 states considered policies to improve pregnancy health outcomes (167 bills introduced, 20 enacted), with most focusing on reducing maternal mortality and addressing the significant Black maternal mortality rate, which outstrips the rate among any other group in the U.S. The proposed policies included new task forces to study maternal health, sometimes including perspectives of impacted communities (nine states), Medicaid expansion (17 states), and policies to support access to midwives or doulas (17 states).
- MENSTRUAL EQUITY** – As in the last few years, lawmakers continued to ramp up their attention on the inequities facing people who cannot access menstrual products when they need them. This year, lawmakers proposed 71 bills nationwide and enacted 6 to provide access to menstrual supplies through schools, prisons, and/or any public building.

For more information about bills that advanced and passed in 2020, NIRH's analysis of some of the most urgent policy problems in each issue area (Expanding Access to Abortion Care, Contraception, Pregnancy, Parenting, Young People, and Prohibiting Coercion and Discrimination in Reproductive Health Care), and NIRH's recommendations for the most effective policy solutions, please see the full *Gaining Ground* report at nirhealth.org.