Proskauer

# The Reproductive Healthcare Landscape Two Years Post-Dobbs

**Proskauer For Good** on **December 12, 2024**

Just before the 2024 U.S. Election, Proskauer's Reproductive Rights Steering Committee hosted a panel discussion addressing the current state of reproductive rights two years post-*Dobbs*.

I was honored to lead this conversation with the panel, which included two lawyers from the Center for Reproductive Rights, an organization where I previously served as a senior litigation attorney. The Center for Reproductive Rights is a global human rights organization that uses the law to advance reproductive freedom as a fundamental human right. During the conversation, Bella Pori, state legislative counsel in the U.S. Policy & Advocacy division, and Alex Wilson, a staff attorney with the Center's U.S. Judicial Strategy team, outlined the ways the Center's attorneys and advocates have challenged abortion bans and unnecessary maternal health restrictions, supported expansive policies protecting access to reproductive healthcare, and pushed for access to assisted reproduction. These actions describe some of the many ways the Center seeks to further its mission of ensuring that reproductive rights are protected in law as fundamental human rights for the dignity, equality, health and well-being of every person.

The panelists also provided an in-depth look at the shifting reproductive rights landscape in the years following *Dobbs v. Jackson Women's Health Organization*, in which the Supreme Court held that the constitution does not protect the right to access abortion care.

The Center has maintained a real-time map as a visual aid for abortion legality across the 50 states. There are currently 13 states where abortion is illegal at all stages of pregnancy, often as a result of trigger bans that took immediate effect once *Dobbs* overturned *Roe v. Wade*. Over 77 million people live in these 13 states, meaning that 23% of the entire U.S. population currently lives in a state where abortion is illegal. The map also illustrates the geographic concentrations of these bans, resulting in a large continuous portion of the country where it is very difficult to access in-person abortion care. For example, if someone in New Orleans needs an abortion, they would have to drive nine hours to reach the closest protected abortion clinic in southern Illinois.

Pori and Wilson pointed out that *Dobbs* has left the constitutional treatment for abortion rights entirely up to states. As such, states have taken drastically different approaches to the protection of reproductive rights. In addition to complete bans, there are numerous states that have restricted abortion through six-week and 12-week bans, despite the fact that many people are not yet aware they are pregnant at just six weeks. At the other end of the spectrum, 11 states protect the right to abortion through state constitutional amendments. These “expanded access states” have taken proactive steps, based in state constitutional guarantees to privacy and personal autonomy, to protect both people in their state obtaining care and those coming from out of state to obtain care. Since *Dobbs*, 18 states have also enacted interstate shield laws protecting providers, medical records and those aiding patients traveling to receive abortion care.

This year, ten states had constitutional amendments on the ballot implicating access to reproductive rights. Following the election, seven out of the ten states passed constitutional measures protecting abortion, including Arizona, Maryland, Colorado and New York. A Florida ballot proposal to protect abortion narrowly failed, gaining 57% of voters' support, but not the 60% majority needed for the amendment to pass. Only one state, Nebraska, passed a ballot initiative preserving their 12-week ban. The Center is actively working with state advocates to support these reproductive rights policies and expand legal rights to abortion, maternal health, contraception and bodily autonomy and decision-making. Pori and Wilson emphasized that there is no substitute for repealing abortion bans and making abortion legal and accessible across the United States. Abortion is healthcare, and protecting real, meaningful access to the full spectrum of reproductive healthcare throughout the nation is the only way to ensure that people in the United States can live full, free lives and participate in society with dignity, autonomy and equality.

*Pro Bono Intern Kira Ratan contributed to the preparation of this blog post.*

Just before the 2024 U.S. Election, Proskauer's Reproductive Rights Steering Committee hosted a panel discussion addressing the current state of reproductive rights two years post-*Dobbs*.

I was honored to lead this conversation with the panel, which included two lawyers from the Center for Reproductive Rights, an organization where I previously served as a senior litigation attorney. The Center for Reproductive Rights is a global human rights organization that uses the law to advance reproductive freedom as a fundamental human right. During the conversation, Bella Pori, state legislative counsel in the U.S. Policy & Advocacy division, and Alex Wilson, a staff attorney with the Center's U.S. Judicial Strategy team, outlined the ways the Center's attorneys and advocates have challenged abortion bans and unnecessary maternal health restrictions, supported expansive policies protecting access to reproductive healthcare, and pushed for access to assisted reproduction. These actions describe some of the many ways the Center seeks to further its mission of ensuring that reproductive rights are protected in law as fundamental human rights for the dignity, equality, health and well-being of every person.

The panelists also provided an in-depth look at the shifting reproductive rights landscape in the years following *Dobbs v. Jackson Women's Health Organization*, in which the Supreme Court held that the constitution does not protect the right to access abortion care.

The Center has maintained a real-time map as a visual aid for abortion legality across the 50 states. There are currently 13 states where abortion is illegal at all stages of pregnancy, often as a result of trigger bans that took immediate effect once *Dobbs* overturned *Roe v. Wade*. Over 77 million people live in these 13 states, meaning that 23% of the entire U.S. population currently lives in a state where abortion is illegal. The map also illustrates the geographic concentrations of these bans, resulting in a large continuous portion of the country where it is very difficult to access in-person abortion care. For example, if someone in New Orleans needs an abortion, they would have to drive nine hours to reach the closest protected abortion clinic in southern Illinois.

Pori and Wilson pointed out that *Dobbs* has left the constitutional treatment for abortion rights entirely up to states. As such, states have taken drastically different approaches to the protection of reproductive rights. In addition to complete bans, there are numerous states that have restricted abortion through six-week and 12-week bans, despite the fact that many people are not yet aware they are pregnant at just six weeks. At the other end of the spectrum, 11 states protect the right to abortion through state constitutional amendments. These "expanded access states" have taken proactive steps, based in state constitutional guarantees to privacy and personal autonomy, to protect both people in their state obtaining care and those coming from out of state to obtain care. Since *Dobbs*, 18 states have also enacted interstate shield laws protecting providers, medical records and those aiding patients traveling to receive abortion care.

This year, ten states had constitutional amendments on the ballot implicating access to reproductive rights. Following the election, seven out of the ten states passed constitutional measures protecting abortion, including Arizona, Maryland, Colorado and New York. A Florida ballot proposal to protect abortion narrowly failed, gaining 57% of voters' support, but not the 60% majority needed for the amendment to pass. Only one state, Nebraska, passed a ballot initiative preserving their 12-week ban. The Center is actively working with state advocates to support these reproductive rights policies and expand legal rights to abortion, maternal health, contraception and bodily autonomy and decision-making. Pori and Wilson emphasized that there is no substitute for repealing abortion bans and making abortion legal and accessible across the United States. Abortion is healthcare, and protecting real, meaningful access to the full spectrum of reproductive healthcare throughout the nation is the only way to ensure that people in the United States can live full, free lives and participate in society with dignity, autonomy and equality.

*Pro Bono Intern Kira Ratan contributed to the preparation of this blog post.*

View original.

**Related Professionals**

- **Michelle K. Moriarty**
  Pro Bono Counsel