

ABORTION LAW IN WISCONSIN
Planned Parenthood of Wisconsin

Michelle Velasquez

Director of Legal Advocacy & Services

ABORTION ACCESS BEFORE ROE V. WADE

- **1972: The U.S. Supreme Court legalized birth control for all women, regardless of marital status. Before that only married women could get a prescription for birth control with the consent of her husband.**
- **Before Roe v. Wade (1973), abortion was illegal in approximately 30 states, including Wisconsin.**
- **People with financial and other resources were able to access abortion care.**
- **People who could not travel or did not have the connections and other resources had to continue with the pregnancy or use some other, mostly unsafe way, to end the pregnancy. Both caused harm and death to pregnant people.**

What Did Roe v. Wade Decide?

Roe v. Wade: Decided in 1973, decided whether a state can stop a person from having an abortion

The Court held that the Constitution protects privacy, which includes a pregnant person's freedom to choose an abortion without excessive government restriction

Abortion in WI Pre-Dobbs

- **PPWI provided approximately 6,500 abortions annually.**
- **Both procedural and medication abortion services**
- **PPWI and Affiliated Medical Services were the only providers**
 - **Milwaukee County (PPWI & AMS)**
 - **Dane County (PPWI)**
 - **Sheboygan County (PPWI-Med AB only)**

60% of Wisconsin women live in a county that offered no abortion care.



Dobbs v. Jackson Women's Health Organization

- **Case originating out of Mississippi that banned abortion at 15 weeks.**
- **June 24, 2022 Supreme Court of the United States overturned its ruling in Roe v. Wade-finding no constitutional right to privacy, and therefore no federal constitutional right to choose an abortion.**

Abortion in WI Post-Dobbs

- **Wisconsin Criminal abortion ban 940.04 is arguably in effect.**
- **The law states: Any person, other than the mother, who intentionally destroys the life of an unborn child is guilty of a Class H felony."**
- **The penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both**
- **Only exemption: an abortion performed by a physician if necessary, or advised by two other physicians as necessary, to save the life of the pregnant person**
- **There is NO exception for cases in which the pregnancy is the result of rape or incest, or to protect the health of the pregnant person**

Changes to PPWI Abortion Services

- **Due to the uncertainty in the enforceability of the law, PPWI suspended abortion services-including med AB**
- **Continue to provide miscarriage management**
- **Patient Navigation**
- **Collaboration with Planned Parenthood of Ill**
- **June 25-July 16 190 patients from WI went to PPIL for abortion care.**

Can we help people leave the state?

1. Could a person be criminally convicted as “party to a crime” for sharing information with a Wisconsin resident about obtaining an abortion in a state where abortion remains legal?

SHORT ANSWER: No, because a pregnant person who chooses to have an abortion is not committing a crime; it is not a crime for a person to travel to another state to obtain an abortion; and no crime has been committed for which the State of Wisconsin has territorial jurisdiction.

2. May an organization which receives state funding provide information about out-of-state abortions?

SHORT ANSWER: Yes. Although various statutes prohibit the use of state funds for subsidizing, providing, promoting or referring for abortions, the statutes do not prohibit the sharing of information without making a referral. Likewise, the statutes which prohibit certain funds from being awarded to abortion providers or their affiliates do not preclude the award of funds to organizations who are simply sharing information about abortion, without making a referral.

What is the Regional Legal Landscape for Abortion?

Illinois and Minnesota are most reliable access states

Iowa and Michigan are currently providing but are more susceptible to changes in their laws.

More info/Questions

PPAWI.org

Guttmacher.org

SupportWomensHealth.org

Docs.Legis.Wisconsin.gov

michelle.Velasquez@ppwi.org