

Texas' 2021 Ban on Abortion in Early Pregnancy Was Associated with a Decrease in Abortions in Texas, an Increase in Abortions Out of State, and a Decrease in Overall Abortions

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INTRODUCTION

On September 1, 2021, a new law called Texas Senate Bill 8 (SB 8) went into effect. This law made abortions illegal once embryonic cardiac activity (sometimes incorrectly referred to as a “fetal heartbeat”) can be detected. Cardiac activity in the developing embryo can happen as early as 5 to 6 weeks after a person's last period. The only exceptions allowed for abortions later in pregnancy were for medical emergencies. Before SB 8, abortions could be provided in Texas up to 22 weeks of pregnancy for any reason.

SB 8 was the most restrictive abortion law in the US until June 2022 when the US Supreme Court overturned the *Roe v. Wade* decision, allowing Texas to enforce a law that prohibits almost all abortions.

After SB 8 went into effect, the number of abortions in Texas decreased by 50% compared to the same month in the previous year. After SB 8, many people had to travel out of state for abortion care. However, abortion care in neighboring states was limited: Arkansas, Louisiana, New Mexico, and Oklahoma, combined, had fewer facilities providing abortions than Texas had before SB 8. Facilities in neighboring states struggled to handle the sudden increase in patients, leading to long waits for appointments and to some people having abortions later in their pregnancy.

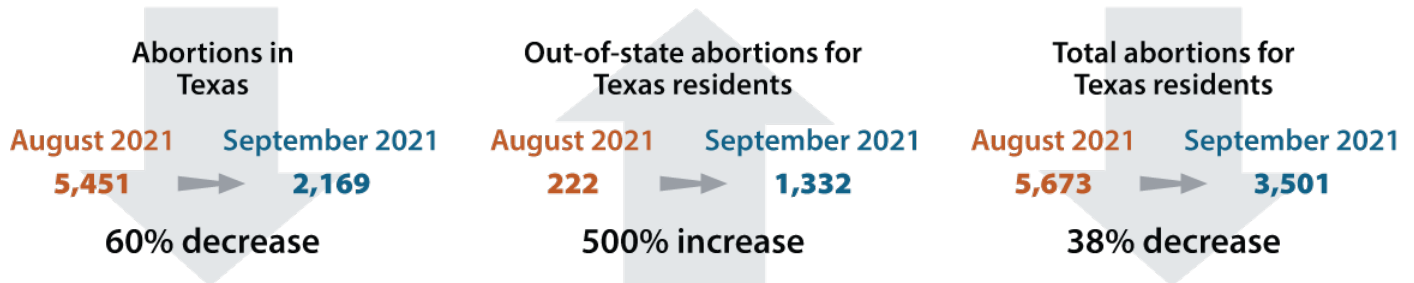
Procedures for abortion after 12 weeks of pregnancy can require multiple visits and higher costs for patients. Although uncommon, there is a higher risk of complications from an abortion later in pregnancy. Difficulties arranging long-distance travel may have also contributed to pregnant individuals self-managing their abortion or continuing unwanted pregnancies.

In this study [1], the authors compared the abortions Texas residents had in the month before and month after SB 8 went into effect. The authors also looked at the proportion of abortions that were done out of state for people who were 12 or more weeks pregnant in the six months after the law went into effect, compared to the same six-month period the year before.

KEY FINDINGS

- ▶ Compared to August 2021, in the month after Texas's SB 8 law banning abortion early in pregnancy went into effect (September 2021), the law was significantly associated with:
 - ▶ a decrease of 3,382 abortions obtained at facilities in Texas (from 5,451 to 2,169);
 - ▶ an increase of 1,110 Texas residents who obtained abortions out of state (from 222 to 1,332), and
 - ▶ a decrease of 2,172 total abortions for Texas residents obtained in Texas and out of state (from 5,673 to 3,501). *See figure.*
- ▶ Abortions obtained out of state for people who were 12 or more weeks pregnant increased from 17% to 31%.

In the month after Texas' 2021 6-week abortion ban went into effect, the number of abortions for Texans decreased in state, increased out of state, and decreased overall



This figure shows changes in the numbers of abortions to Texas residents at facilities in Texas and surrounding states between August and September 2021.

POLICY IMPLICATIONS

In states where abortion care is still legal, facilities providing abortion can be expected to experience an increase in demand from people who live in states where abortion is severely restricted or banned, which will make appointments harder to get. These out-of-state facilities will also likely see an increase in the number of people who need abortions later in pregnancy because of increased wait times for appointments and other delays related to traveling long distances and paying for abortion care. Facilities may also see an increase in out-of-state patients with pregnancy complications who require care. This is due to the legal uncertainty that clinicians in states with abortion restrictions and bans face around whether they can use the narrow exemptions to provide abortion care to their pregnant patients. This, in turn, will prevent patients from accessing evidence-based abortion care in their home state [2].

The findings from this study can be expected to intensify for Texans and residents of other states that have banned or severely restricted abortion. Texas banned abortions after the period covered in this study; therefore, it is likely that there have since been larger declines in Texas-based abortion care and larger increases in out-of-state abortions for Texas residents later in pregnancy. Similarly, because other states in the south and Midwest have also banned abortion, many pregnant people in those states can no longer travel to a neighboring state for abortion care, as Texans did in this study. These differences in the policy environment further limit the number of people in states with abortion bans who will ultimately be able to obtain abortions out of state.

REFERENCES

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