Can everyone write which parts they worked on

Himesh Buch-

Myles Glebas-

Jiazhen Li-

Asad Malik- part 1

Ibteda Rashid-

Principles of Public Policy

Fall 2020

Dr. James

**In-Class Activity**

**Abortion Law Case Study**

**Federalism’s Role in Shaping Public Policy Making and Implementation in the States**

<https://statelaws.findlaw.com/texas-law/texas-abortion-laws.html> (has the laws on abortion in texas)

**Part 1:**

Describe THREE abortion laws in ONE of the following states: Georgia, Alabama, Mississippi, Texas, or Ohio.

**Texas**

**Law 1**: Doctors are allowed to provide abortions if they have submitted the required certifications to the Texas Health and Human Services Commission. You have a constitutionally protected right to decide whether and when to become a parent, including the right to terminate a pregnancy.

**Law 2**: Texas bans abortions after 20 gestation, unless you have a life-threatening medical condition or the fetus has a severe abnormality. Under Texas law, after 16 weeks gestation, your abortion can only be performed at an ambulatory surgical center or hospital

**Law 3**: Texas law requires you to make at least two trips to the abortion provider. The state requires you to undergo a sonogram and receive state-mandated paperwork about medical risks, adoption alternatives, and developmental stages of the fetus. (Some of the information in this paperwork is false.) The state also requires you to wait 24 hours after receiving the sonogram and state-mandated paperwork before having your abortion. This 24-hour waiting period can be waived if you live 100 miles or more from the nearest abortion provider.

**Part 2:**

For each of the three, is the law constitutional? (This may be your opinion based on our discussion of the undue burden standard or you may base your answer on federal or state court rulings.)

**Law 1**: This Texan law is constitutional. As long as the doctor performing the abortion has sumbitted the proper certifications, which should be required of anyone attempting to do any invasive procedure, they can perform the procedure on any consenting adult. In terms of the right to be or not be a parent, I believe that it is constitutional and a given right due to the massive responsibility that is raising a child.

**Law 2**: At 20 weeks gestation the baby is about the size of a banana. I believe that this is completely constitutional. Besides the fact that you have had a lot of time to think about your decision at this time, the baby has mostly developed and can even hear and swallow. Unless there is a medical emergency I agree that at this time period an abortion can not be performed. The actual law states that abortion may not be done after 28 weeks of pregnancy but Texas limits it to 20 weeks, while that could be seen as unconstitutional, I believe that differents states can put into play different rules on such topics.

**Law 3**: This law is the closest to undue burden. While it is completely constitutional and not a undue burden to make sure that the person receiving the abortion is completely informed on what is actually happening, the wait time seems to be a rule only to try to get the women to sit and think hard about what they are truly doing after receiving information from the sonogram and what the fetus is capable of doing at this stage in the womb. I also believe that it is good to offer the mother alternatives such as adoption services and let her know that there are other options.

**Part 3:**

How are the three laws that you described being implemented at the state level? (How do you think they are being implemented based on the descriptions of the law?)

Law 1: Though Texas cannot prohibit abortion outright, they can and do, in fact, empose restrictions. These restrictions generally make abortions more difficult to attain and are very expensive in Texas. For the first law, which is primarily about abortion facilities and practitioners, a certificate from the Texas Health and Human Services Commission needs to be obtained. Simply put, any facility or practitioner that want to perform abortions must be approved by the state and only by the state. Without the correct licensing or certification, these facilities will not be permitted to practice abortions. This law is directly implemented by the state’s health and human services committee, and they have the power to approve or disapprove these requests.

Law 2: In the state of Texas, abortions are not permitted after 20 gestations. After 16 weeks gestation, an abortion is only permitted in a surgical center, urgent care, or hospital. This law is implemented directly by specialists and doctors who can appropriately monitor the condition and the progress of the fetus. If these specialists permit the abortion, then they must provide proof and further evaluation of any defects or dangers to the carrier or the fetus. Doctors and abortion clinics are only sanctioned to provide legal abortions before the 16 week gestation period, if they violate these laws, then the practitioner and/or facility will be prone to legal disputes and possible sentencing by the state.

Law 3: The third law requires the carrier or person seeking an abortion to make two seperate trips to the appropriate abortion provider. They must go through a sonogram and state-mandated paperwork containing information about the procedure, adoption alternatives, medical risks, and the fetus. After receiving the sonogram and state-mandated paperwork, they must wait 24 hours until the procedure. One effective way this law is being implemented is by requiring you to see the same doctor for the sonogram and the abortion. This means that you cannot go to a doctor to perform a sonogram and then schedule an abortion with a different provider. The state also requires you to schedule any follow-up appointments with the same doctor. The state law also mandates the doctor perform your sonogram to display the images, make any heartbeats audible, and verbally explain the results of the sonogram.

**Part 4:**

Overall, do the people have a voice in the policy making and/ or implementation process in the state that you were assigned? Explain.

I think people have a voice in the policy making and/ or implementation process in Texas. We firstly take the Texas abortion Law passed in 1859. Abortion was banned in Texas during this period. Doctors and women who participate in or help with abortions are punished. The late 1960s and early 1970s were the period of abortion reform. On the one hand, the movement for sexual liberation and women's rights developed. Also, with the improvement of medical technology, people begin to pay attention to abortion law. In some states, doctors or those who want to legalize abortion have begun to speak out. In 1973, two young feminists in Texastried to challenge the abortion policy at the time. They chose a 21-year-old woman who wanted an abortion and sued in the Supreme Court. It was the pioneering voice of Texan abortion law. Finally, abortion was legalized. But after abortion was legalized, some opponents of abortion have been trying to overturn the decision. In 2013, Texas introduced a law banning abortions for women older than 20 weeks and placing restrictions on the clinics and doctors that perform the procedure. But around 2016, the 2013 law was overturned after protests, street demonstrations and lawsuits. The Supreme Court's decision has given a boost to those who believe abortion should be legalised.

In short, I think the opinions of the people are indispensable in the process of the laws being overturned and established. Because only when supporters and opponents speak up and sue, and pass the Supreme Court's vote, can a bill finally be established.