

Abortion in Florida 2024

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Brief history of abortion in the US

- 1700s to early 1800s medical literature and newspapers regularly referred to herbs and abortion-inducing medications
- Reproductive care including abortion was unregulated and provided by skilled midwives and nurses
- Half of the women who provided reproductive care were Black women and Indigenous women
- During the 1860's anti-abortion laws were passed-this followed the forming of the AMA
- Criminalizing abortion sent the practice “underground”
- By 1930 one in five or 18% of all recorded maternal deaths* were due to illegal abortions

Turning the tide

- In the late 50's and early 60' thousands of pregnant women took thalidomide, which was found to cause severe birth defects.
- In 1962 a pregnant TV host who had taken thalidomide had to go to Sweden to obtain an abortion and the media tracked her journey, 52% of Americans said they supported her.
- In 1966 nine well-respected doctors were sued in California for performing abortions on women that had been exposed to rubella. Doctors across the country came to their defense, including deans of 128 medical schools.
- This resulted in one of the first abortion reform measures. California amended its prohibition to allow hospital committees to approve abortions.

Late 1960's and early 1970's - abortion reform

- Between 1967 and 1973, four states- Alaska, Hawaii, New York and Washington-repealed abortion bans entirely, and 13 other states enacted reforms.
- In 1973 Roe v. Wade: SCOTUS ruled that the due process clause of the 14th Amendment to the Constitution protects the right to abortion.
- The maternal mortality of abortion dropped to almost zero. The incidence of morbidity - not mortality- for legal abortions is now only .04%.

...and then in 2020 Trump got elected:

- The Trump administration packed the court with 3 new right-wing conservative judges.
- The right-wing groups quickly brought cases to test the new SCOTUS.
- In 2022 SCOTUS ruled on Dobbs vs Jackson's Health. It essentially concluded that the Roe decision was wrong and sent all decisions back to the individual states. Immediately 17 states criminalized abortion.
- In Florida Desantis signed a 15 week ban in the summer of 2022 and in April 2023 he signed a 6 week ban.

Back to the Dark Ages

- Monday, April 1st at 4pm, the Florida Supreme Court ruled with the governor in lawsuit that was brought by a patient that had been turned away by the hospital she went to when she had very early rupture of membranes, Planned Parenthood, the ACLU of Florida, and Congregation L'Dor VaDor of Palm Beach. That meant that in 30 days, May 1st, the six-week ban would take effect.
- On Thursday, May 2, 2024, the Agency for Healthcare Administration of Florida sent a communication that they would not consider the following conditions as abortions:
Ectopic pregnancies, molar pregnancies, and premature rupture of membranes.

Current landscape in Florida:

- Abortions are illegal as of six weeks of gestation with the following extremely hard to define exceptions:
- Fatal fetal anomaly - Most fetal anomalies have a variable level of lethality, therefore a doctor can't assure that most anomalies that are considered fatal are 100% fatal.
- When the mother's life is at risk of death - How sick is too sick?
- Do we recommend an abortion for a patient that has a condition that has been known to kill 10% of the patients, or 25% or 50%, or 90%?

Victims of rape and incest:

- Under the current law in Florida these victims need a court document in order to seek a legal abortion in Florida. This clearly victimizes these patients for a second time.

So why am I here?

- Why do I care so deeply about this abortion ban?
- I'm catholic and I do not perform abortions.

Any abortion ban before fetal viability violates Bioethics:

- Four pillars of bioethics:
- Principle of bodily autonomy
- Principle of nonmaleficence- that we not intentionally create harm or injury to the patient.
- Principle of Beneficence- Doctors have a duty to be of a benefit to the patients as well as to take steps to prevent and to remove harm from the patients.
- Principle of Justice- it is generally held that persons who are equal should qualify for equal treatment

What is at risk now:

- Maternal health:
- If patients have an underlying medical condition and are not able to get an abortion the rate of maternal mortality and morbidity will begin to rise. We already have in Florida one of the highest rates of maternal mortality.
- Data supports that poor women in certain situations are likely to be the victims of serious partner abuse if they continue a pregnancy.
- Data supports that poor women are more likely to suffer economic hardship if they are made to continue a pregnancy. Florida was one of the states that did not expand Medicaid.

Ob/Gyn and ER care in the State:

- We already have data that there has been a 25% decrease in the number of applicants to Ob/Gyn residency programs in the states that have abortion restrictions. We anticipate seeing a similar number for ER residencies.
- We already have seen Ob/Gyn leaving states where abortion is banned or severely restricted. This adds to the accessibility and cost for patients in these states.

What else do we fear is looming in the horizon?

- IVF- As seen by the recent example of Alabama. All IVF clinics halted treatments after the Alabama Supreme Court ruled that “unborn fetuses” had the same rights as “other people”, thus making it manslaughter if frozen embryos were intentionally or accidentally harmed.
- Contraception- There is a very small number of scientist that consider birth control pills and IUDs to be abortifacients, even though there are very elegant trials that have demonstrated that in most cases conception does not occur.

Key takeaways of today:

- Abortion bans criminalizes legal abortions only. Desperate people will continue to get illegal abortions.
- The only way to maintain the right of patients to make their own personal decisions about reproductive care is to amend the US constitution to guarantee safe and legal abortions in every state of the US.
- Let's start by Voting YES on Amendment 4.