



TO: **Interested Parties**
FROM: **Heather Williams, President of the DLCC**
DATE: **March 20, 2024**
RE: **Memo: States are Deciding Abortion Rights Every Day**

When the U.S. Supreme Court overturned *Roe v. Wade* in June 2022, it was the biggest rollback of rights for any group of people in the last 50 years. The consequences of this disastrous decision were swift for millions of Americans as federal protections for abortions evaporated overnight. Unfortunately, the fallout from *Dobbs* has only begun.

Nearly two years later, it's clear that banning abortion was only the first wave of attack for newly emboldened Republicans. With abortion bans now securely in place, GOP state legislatures across the country have set their sights on undermining the full spectrum of reproductive care—removing exceptions from existing bans, undermining contraception access, attacking maternal care, and even passing dangerous fetal personhood legislation that threatens IVF access.

The effects of these dangerous GOP restrictions reverberate across the country. At any point, extreme anti-abortion legislation introduced in one corner of the country could reach a favorable Supreme Court ruling that opens the door for other states, or even the entire country, to apply such restrictions. We are always just one Supreme Court decision away from a state law being catapulted to the national stage—like the Mississippi abortion ban that *Dobbs* upheld. The U.S. Supreme Court that overturned *Roe* remains hostile to women's fundamental rights, and that impact is felt across the country.

Given this grim reality, states have never been more important to shaping policy or our future. State legislatures are now the arbiters of reproductive freedom, shaping the reality facing women and their access to care.

With fundamental freedoms on the line in the states, electing Democrats to state legislatures across the country has never been more essential. Since the fall of *Roe*, every Republican trifecta has pushed to enact an abortion ban or restrictions, while every state with a Democratic legislative majority has taken action to protect or expand abortion access. Over half of Americans still have their reproductive rights protected, thanks to Democratic majorities in state legislatures.

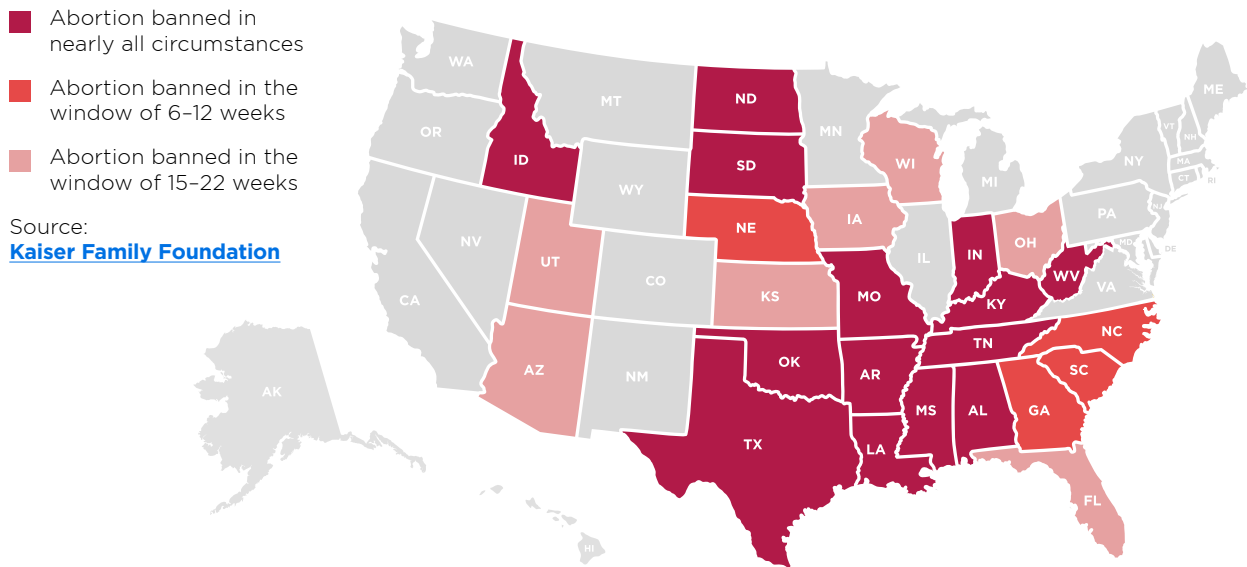
As the official arm of the Democratic Party with the sole mission of building Democratic power in the states, the Democratic Legislative Campaign Committee (DLCC) is leading the fight to set the national agenda to protect reproductive rights and freedoms at the state level. **The DLCC is [on offense in 2024](#) with a \$60 million target budget—the largest to date—as well as our most expansive target map ever and a commitment to ensuring voters know that their fundamental freedoms are on the line in the states.**

Lives are on the line as we work to elect champions of reproductive freedom and check the unyielding, dangerous extremism of Republicans across the country.

By the Numbers: Abortion Bans

Republican trifectas currently control 23 state capitals, meaning they have full power over both state legislative chambers and the governor’s seat. **Every state with a Republican trifecta has passed legislation to ban abortion, with most of these bans becoming state law.** While court decisions in some states, like [Montana](#) and [Wyoming](#), and ballot initiatives in states like Ohio have blocked some of these extreme proposals, it is clear Republicans in power are continuing to ramp up their attacks.

With the latest bans and extreme proposals introduced and advanced during the 2024 state legislative sessions, the national picture of Republicans’ record on this issue is clear:



Twenty-five states—all controlled by Republican legislatures—have enacted laws to ban or restrict abortion earlier than the standard previously protected by *Roe*.

- ▶ **Fourteen states**—Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and West Virginia—have passed laws to **ban abortion in nearly all circumstances.**
- ▶ **Four states**—Georgia, South Carolina, Nebraska, and North Carolina—have passed laws to ban abortion after **6-12 weeks** of pregnancy, when many women don’t know they’re pregnant.
- ▶ **Seven states**—including Arizona, Florida, Utah, Kansas, Ohio, Wisconsin, and Iowa—ban abortion after **15-22 weeks** of pregnancy.
- ▶ In addition to the bans above, Republicans in Iowa, Utah, Montana, and Wyoming have passed further restrictions that are currently **blocked by the courts.**

With these abortion bans in place, Republican state legislatures have now begun to expand their attacks to other facets of reproductive health care:

- ▶ When courts in conservative states have blocked GOP abortion bans, they move to restrict access in other ways, like in [Utah](#), where legislators tried to outlaw abortion clinics and require a hospital visit which advocates said would functionally eliminate abortion.
- ▶ As of October 2023, 15 states have passed laws to [restrict](#) access to abortion medication, with five requiring patients to meet in-person with a physician and one banning mailing medication abortion to patients.
- ▶ Republicans in Iowa, Kentucky, Missouri, and West Virginia have [introduced](#) bills that would require public school students to watch misleading anti-abortion videos, like “Baby Olivia,” a deceptive video created by an anti-abortion group and filled with misinformation to manipulate young viewers.
- ▶ Over [20 anti-abortion bills](#) have been introduced in Oklahoma this session, including a proposal that could have created a statewide database of women who received an abortion and banned over-the-counter emergency contraceptives, before the bill was amended.
- ▶ Last month, Missouri Republicans [voted](#) against amending the state’s abortion ban to include exceptions for rape or incest. The state has a near-total abortion ban. During debate on this proposal, Republican Senator Rick Brattin likened abortion to the atrocity of slavery and suggested giving birth would help women recover from rape or incest.
- ▶ Both Republican chambers of the Wyoming legislature [passed](#) a bill to unnecessarily impose burdensome regulations on the last remaining legal abortion clinic in the state.

Fetal Personhood and Threats to IVF Care

Republican efforts to establish “fetal personhood”—granting fetuses the same rights as people—threaten everything from access to contraception to family planning. Last month, the conservative Alabama Supreme Court ruled that frozen embryos are children, causing the state’s three major providers of in vitro fertilization to shutter their services. While two have since reopened, one still remains closed. When Congress [scrambled but failed](#) to protect IVF access nationwide because of Republican obstruction, **it became clear that once again, action on this issue would be left to the states.**

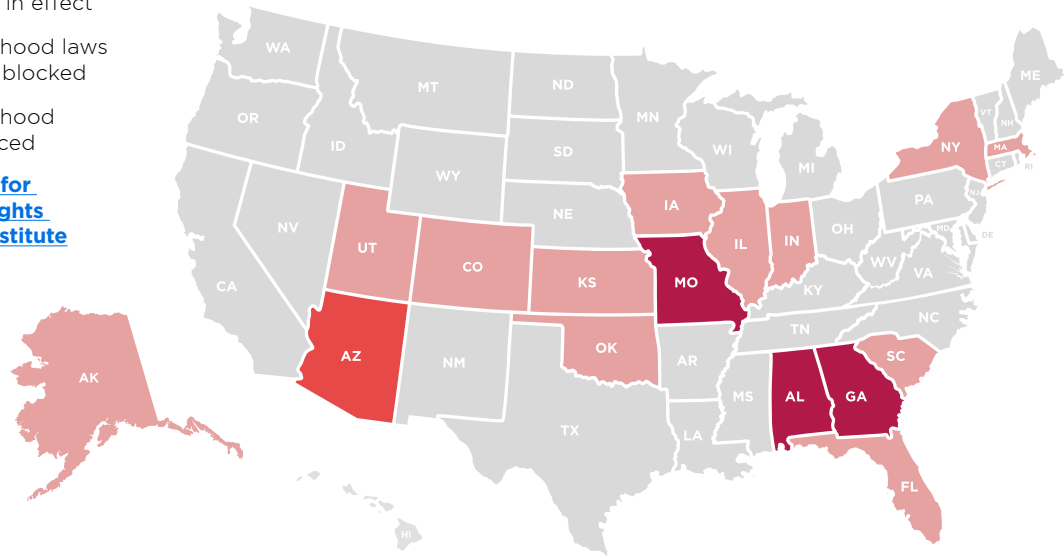
The Alabama Supreme Court ruling opens the door to giving legal legitimacy to the conservative claim that life begins at conception, paving the way for a host of attacks on IVF and abortion care that run the risk of becoming national policy if they ever come before the U.S. Supreme Court. By [establishing](#) personhood rights for fetuses, anti-abortion activists are working to criminalize and restrict common health care procedures, and this effort is spreading.

Fetal Personhood and Threats to IVF Care (Continued)

In recent years, at least four states have [enacted](#) robust fetal personhood laws. In 2024 legislative sessions, GOP bills to grant personhood rights to fertilized embryos have been introduced in at least 14 states.

- Fetal personhood laws enacted and in effect
- Fetal personhood laws enacted but blocked
- Fetal personhood laws introduced

Sources: [Center for Reproductive Rights](#) & [Guttmacher Institute](#)



While capturing national outrage in February 2024, Alabama is not alone in having fetal personhood laws on the books:

- ▶ Georgia became the [first state](#) after the fall of *Roe* to enact a personhood law as part of its six-week abortion ban. The law [allows](#) a fetus to be declared as a dependent on state taxes. It also allows fetuses to be [counted](#) in “population-based determinations,” which could impact how state legislative maps are drawn and how state dollars are allocated.
- ▶ In Missouri, state law [broadly](#) defines life as beginning at conception and affords full rights to “unborn children at every stage of development.” In January, a state Republican introduced a bill to [mandate](#) courts to grant custody of embryos to the person most likely to create a child, assigning personhood to embryos created through IVF.

Across the country, Republican legislators are working overtime to pass similar proposals in more states:

- ▶ In Arizona, courts have [blocked](#) a personhood law passed in 2021 that [defined](#) fetuses, embryos, and fertilized eggs as “people.” Since then, Arizona Republicans have introduced [several bills](#) that attempt to add fetal personhood into state law, [including two](#) that passed both GOP legislative chambers but Democratic Governor Katie Hobbs vetoed.

- ▶ In Florida, a Republican proposal would have **allowed** parents to collect damages for the loss of a pregnancy by establishing a right for parents to sue over the wrongful death of an “unborn child.” Though the bill had **growing support** among state Republicans, the sponsor postponed the bill in the wake of intense backlash following the Alabama court ruling.
- ▶ Several proposals would allow pregnant people to claim child support at any point after conception, including a GOP proposal in **Kansas**, while others like an **Indiana** proposal would allow fetuses to be claimed as dependent on taxes.
- ▶ Most recently, Iowa House Republicans **passed** a dangerous personhood bill that would have effectively criminalized the death of a fetus, despite concerns about how it might threaten access to in vitro fertilization and contraception. The Iowa Senate only **shelved** the proposal after intense national scrutiny that threatened political consequences.
- ▶ When posed to voters, personhood proposals are widely unpopular. Ballot initiatives to establish fetal personhood laws have **failed** in some of the reddest states across the country, including two initiatives that failed in South Dakota and one in Mississippi.

The Stakes in 2024

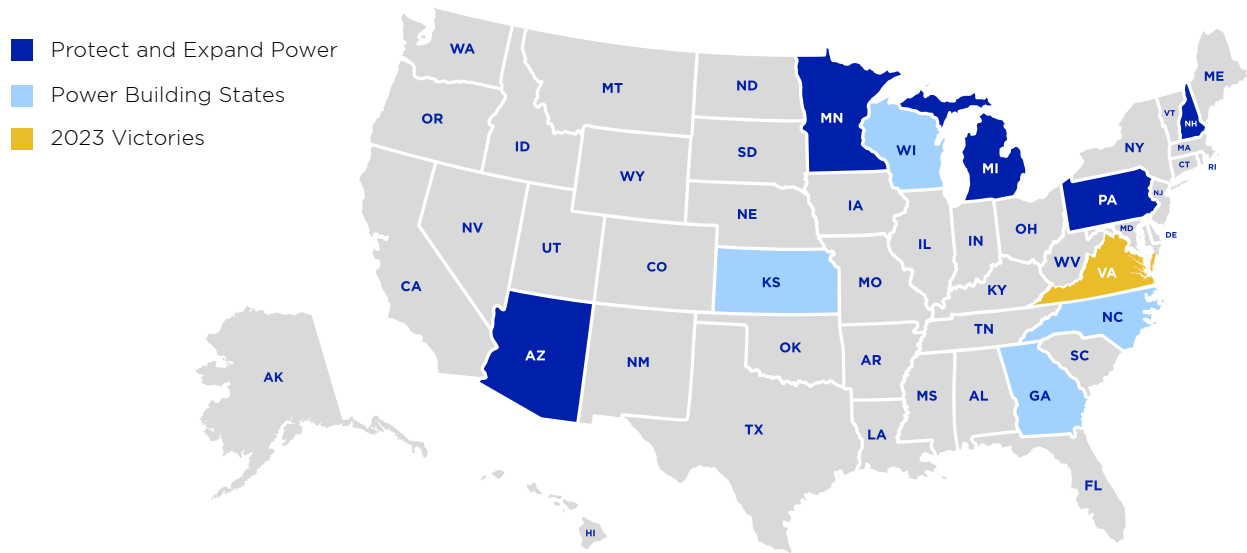
The clear contrast and high stakes for what happens next is why the future of reproductive rights and fundamental freedoms will continue to fully align with the DLCC’s work this cycle.

The DLCC’s **2024 target map** includes protecting Democratic majorities, flipping vulnerable Republican chambers, and making inroads in red territory, all with an eye toward expanding fundamental freedoms like abortion access. Our legislative victories in 2022 alone ensured that over 64 million people would have their reproductive rights protected or expanded.

In 2024, the stakes couldn’t be higher as the rights of more than 60 million Americans hang in the balance on our target map:

- ▶ In Michigan, Minnesota, and Pennsylvania, we won new Democratic majorities in 2022 that helped protect access for nearly **30 million Americans**. This year, we must protect and expand those majorities.
- ▶ In Arizona and New Hampshire, we must break GOP legislative majorities that threaten these rights for nearly **9 million Americans**. Flipping just a few seats in November could flip these chambers.
- ▶ In Kansas, Wisconsin, and North Carolina, we are fighting to ensure that Democratic governors can override GOP supermajorities and veto extreme legislation that could threaten nearly **20 million Americans**.
- ▶ And in Georgia, we are looking to gain ground this cycle to put a future majority in play that can protect rights for over **10 million Americans**.

The Stakes in 2024 (Continued)



Outside of our target states, we will also work with and support Democrats in all 50 states, including those currently controlled by Republicans.

As we work to build Democratic power across the country, Republicans must be held accountable for their anti-abortion agenda. That’s why reproductive rights will be a cornerstone of the DLCC’s work this cycle, as we put Republican legislators on blast through campaign messaging, ads, mailers, and direct contact on the ground with allies and partners. Republicans in legislatures across the country will have to answer for their extremism at the polls in November, and the DLCC won’t leave anything to chance.

Supporting the DLCC and electing Democratic majorities in the states is the strongest way to protect fundamental reproductive freedom in post-*Dobbs* America.

Only solutions at this level of the ballot will end Republicans’ anti-abortion crusade and protect fundamental reproductive freedoms. State legislative elections this year will decide the future of abortion rights.