

CORE BRIEF

The New Texas Abortion Ban and Its Implications for Wisconsin

September 2021



What is the new Texas abortion ban?

- On September 1, 2021, Texas Senate Bill 8 went into effect. SB 8 bans abortion in Texas if cardiac activity can be detected in the embryo, which is usually around the sixth week of pregnancy as defined by doctors.
- Doctors measure the age of a pregnancy from the first day of a pregnant person's last period, not from the date of conception. Under this law, people have less than six weeks after becoming pregnant to get an abortion.
- Unlike most abortion bans, Texas SB 8 is not enforced by the state—it allows private citizens to sue any person or organization who provides abortion care or helps someone get an abortion in Texas.

Who is most affected by legislation like Texas SB 8?

- **The majority of people in need of abortion services:** Nationally, [more than 60% of abortions](#) occur after the sixth week of pregnancy. A law such as Texas SB 8 makes abortion impossible for the majority of pregnant people in that state.
- **People who do not recognize a pregnancy immediately and/or who have certain health conditions or types of menstrual cycles:** Most people do not know they are pregnant at the time of conception or in the following days; often it is not until a missed period or other pregnancy symptoms that someone recognizes they may be pregnant. [Research shows](#) that many people **cannot know** if they are pregnant before six weeks. Menstrual cycle length varies across the population, and common medical conditions such as polycystic ovarian syndrome can delay discovery of pregnancy.
- **People living in places with other restrictions on abortion:** Even after confirming pregnancy and making a decision, [people must navigate a variety of logistic hurdles to obtain an abortion](#). Delays in seeking care in Texas and many other states can be affected by state-mandated waiting periods, medically unnecessary multiple visits to a clinic, and the need to raise significant out-of-pocket funds.
- **People living on low incomes and people of color:** Due to socioeconomic constraints and structural racism, these barriers to abortion fall most heavily on people of color and people living on low incomes. People facing social and economic hardships are even less likely to be able to detect a pregnancy and seek desired abortions within six weeks. Further, [later awareness of pregnancy is more common](#) among Black and Latinx people than white people.

Why does Texas SB 8 matter to Wisconsin?

- **A similar ban would essentially stop abortion in Wisconsin.** The overwhelming majority of abortion patients in Wisconsin, upwards of 95% or more, obtain abortions after six weeks of pregnancy.
- **Wisconsin is already considered hostile to abortion, and a ban like Texas SB 8 would work in tandem with other restrictions to block abortion access.** Even in cases in which Wisconsinites could recognize pregnancy early enough to terminate before six weeks, existing restrictions impede timely care. For example, Wisconsin Medicaid restrictions prohibit coverage of abortion services, and many people struggle to raise funds to cover the cost of the procedure on their own. Wisconsin law requires that people wait at least 24 hours between an initial intake appointment and a procedural appointment to obtain an abortion, but for many people coming back the next day is not possible—especially for those living far from a clinic and who face challenges with finances, taking time off work, or childcare. In the past decade, as the Wisconsin legislature has implemented an array of laws aimed at restricting abortion access, [40% of our state's abortion clinics have closed](#), which has limited abortion access even more.
- **State-level restrictions can be more powerful than federal policy, including in the case of *Roe v. Wade's* overturn.** The 1973 Supreme Court decision *Roe v. Wade* established abortion's pre-viability legality nationwide, regardless of existing state laws that had prohibited the procedure. If the Supreme Court overturns *Roe*, these state laws would become enforceable, including in Wisconsin. While some states have passed protective laws to keep abortion legal regardless of *Roe's* status, Wisconsin would revert to a state law that makes provision of abortion a felony.
- **Being denied an abortion has serious consequences for Wisconsinites.** National studies, including those with Wisconsin patients, have found significant negative outcomes among people unable to obtain desired abortion services. [Researchers have found](#) that people who are turned away from desired abortion services and who go on to give birth are more likely to stay in abusive relationships, less likely to achieve aspirational life goals, less likely to complete postsecondary education, and more likely to experience persistent adverse economic consequences compared to those who receive their desired abortion. We also know that [abortion restrictions contribute to increased maternal mortality](#) among Black people and other marginalized communities. Further abortion restrictions in Wisconsin would reduce not only reproductive autonomy but also pregnant people's physical health, mental health, and ability to reach their life goals.

Especially when combined with current restrictions, an abortion ban in Wisconsin like Texas SB 8 would make abortion access impossible for the majority of Wisconsinites in need of abortion services. Denial of abortion services leads to social, economic, and health consequences for pregnant people. These bans undermine reproductive autonomy, especially for people who are already marginalized in our communities and by the healthcare system.