

## Restricting Abortion: West Virginia<sup>1</sup>

In far too many places throughout this country, it has become extremely difficult for women to safely and legally end a pregnancy. In too many states, politicians have enacted laws that single out the provision of abortion services for restrictions that are more burdensome than those imposed on medically comparable procedures, do not significantly advance women's health or the safety of abortion services, and make abortion services more difficult to access. It's time for politicians to stop interfering with women's personal decision-making. We need a federal law that puts women's health, safety, and rights first. The Women's Health Protection Act does just that.

In West Virginia, the following restrictions are among those that would be unlawful under the Women's Health Protection Act once enacted:

- J **REQUIREMENT** that if an ultrasound is performed prior to an abortion, the provider must offer the woman the opportunity to see the image, whether or not the provider believes it is appropriate.<sup>2</sup>
- J **BAN** on abortion after 20 weeks of pregnancy (an unconstitutional pre-viability ban) with unconstitutionally narrow exceptions for when the life or health of a woman is endangered.<sup>3</sup>
- J **PRE-VIABILITY BAN** on a safe and common method to end a pregnancy in the second trimester.<sup>4</sup>

*“By the time I had gathered all of the necessary information and came to the heart wrenching decision to terminate the pregnancy, it was days after the 20 week period. As terrible as this situation was, I was so fortunate to have had the ability to make this decision with my family and my physicians. It is not a procedure I would wish on anyone, but one that I absolutely had to have in order to save my own life. This was not and is not a decision for the West Virginia legislature, or anyone else that is neither my doctor nor my family, to make...Would I have been prohibited from having the procedure that doctors recommended, I may not have ever had the opportunity to have the greatest love we have ever experienced.”*

- Tiffany Redman, West Virginia resident

## **(Endnotes)**

- <sup>1</sup> The restrictions highlighted herein are examples of the types of restrictions that the **Women's Health Protection Act** seeks to invalidate. This fact sheet is not intended as a comprehensive guide to abortion restrictions in West Virginia.
- <sup>2</sup> W. Va. Code § 16-21-2(4).
- <sup>3</sup> W. Va. Code § 16-2M-4(a). This law also includes an exception for lethal fetal anomalies.
- <sup>4</sup> W. Va. Code § 16-2O-1.