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Conservative US States Use Quarantine to Restrict Abortion Access

BY TALIA SAMUELSON ON 16 JUNE 2020

This April, just like any other month, thousands of women in eleven conservative American states discovered they were pregnant when they did not want to be.

Unlike any other month, they faced an impossible choice: continue an unwanted pregnancy, or risk travelling during a pandemic to a state that would still perform an abortion.

The coronavirus pandemic has provided an opportunity for traditionally conservative states—who in recent history have tried to limit abortion access—to pass emergency bans under the guise of protecting the public.

Governors maintain that [these limits are not about abortion itself](#), but the Personal Protective Equipment (PPE) used during surgical abortions that should be designated for medical personnel treating COVID-19.

As a result, just as people who need hip replacements, laser eye surgery, and cataracts operations have to wait, so too do women who want to have an abortion: all are categorised as non-essential procedures.

In the United States, many laws regulating education, family, health, taxes, and more fall under the purview of the state rather than the federal government. And so in March when states began to issue lockdown and quarantine orders, Alabama, Alaska, Arkansas, Indiana, Iowa, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, and Texas all [issued orders limiting or completely banning abortions](#) as a part of quarantine restrictions.

These orders ranged from temporary bans of surgical but not medical abortions, to complete bans, with no exceptions made for cases of rape or incest.

Some of these orders have been overturned by a judge, and some states which initially issued blanket bans on non-essential procedures including abortions have since let the orders expire rather than explicitly lift the ban on abortion itself alone.

According to an abortion provider in Texas who wished to remain anonymous: “They didn’t want to say, the abortion clinics have won and we are going to let them perform abortions again. They wanted to be able to save face in front of their constituents, [by saying] they can go back to whatever they were doing before because now we are no longer banning any urgent procedures.”

The expired and remaining restrictions could still have larger implications for the future of abortion in the United States.

Previous legislation meant to restrict abortion access, such as outlawing it after six weeks gestation, has often been struck down before it ever went into effect.

This time, the restrictions went into effect immediately with instant consequences. And though most states that banned abortions in March have since let those bans expire, it remains significant for those who see it as a trial run for further bans in the future.

Dr. Mary Ziegler, [a law professor and abortion historian](#) explains, “...if courts are not clear on the limits of those [state emergency] powers, then you get into questions of how do you know if there is an emergency, who gets to decide whether there’s an emergency, how do you know if the emergency ends. And if courts are going to just defer to states on that, then red states could easily find all kinds of other emergencies as a way to justify restricting abortion rights too.”

The longterm effects of the abortion ban during coronavirus are personal as well as constitutional. The Texas abortion provider revealed that although he has seen a slight increase in patients fleeing to the more lenient New Mexico, many people simply can’t afford it.

“It means that a lot of people who aren’t ready to have a child are going to have a child... there’s a constitutional right to abortion care in the US, people should have this right and for a month in Texas that right was removed. For a lot of people that meant having to continue pregnancies that otherwise they wouldn’t have been forced to continue.”

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