

Know Your Rights: Reproductive Health



Your right to make private decisions about whether and when to have children.

What Are My Rights?

While many people are familiar with *Roe v. Wade* (1973), the case that first declared abortion a constitutional right, abortion rights law is now based on *Planned Parenthood v. Casey* (1992). *Casey* allows states to prohibit abortions once a fetus is viable (when the fetus is capable of surviving outside of the uterus, the timing of which is a moving target), so long as there are exceptions for a woman's life or health.

Casey also held that states can regulate abortion before viability, so long as the proposed laws do not impose an "undue burden" on a woman's right to choose. This vague "undue burden" standard has allowed states to impose barriers such as mandatory waiting periods, counseling requirements, and burdensome informed consent laws.

What Does That Mean for Me?

Maine allows you to obtain an abortion from a licensed physician and has a public policy not to restrict your access to abortion before viability, but it does prohibit you from obtaining a post-viability abortion unless it's necessary to preserve your life or health.

Your insurance may cover abortion services, but it is not required to do so, and your physician is not required

to provide those services.

Though the State's policy is for family planning services to be readily available, you may have to travel to obtain services. This can present significant barriers, because it can increase your financial burden, as well as the risks to your health caused by unnecessary delays in getting treatment.

What if I'm a Minor?

If you are under eighteen years old, Maine law requires your doctor to get the written consent of an adult before performing an abortion procedure. This consent does not necessarily need to come from your parent – it can come from any of the following adults:

- A parent or guardian;
- An adult family member; (for example, your aunt or adult sibling);
- A judge;
- Your doctor;
- An approved counselor (physician's assistant, nurse practitioner, nurse, guidance counselor, social worker, psychiatrist, psychologist, or clergy member).

Once you figure out which adult will provide the required consent, you must meet with that person and have him/her fill out a form stating that you have received abortion counseling. If you decide to have an abortion, then you need to bring the form to the doctor performing the procedure, or arrange for the adult to deliver it.

What is Informed Consent?

Before performing an abortion, the doctor must certify in writing that you freely gave your informed, written consent. This means that you made your decision after the doctor explained to you, in a way that was understandable and not misleading, the following information:

- That you are pregnant;
- The number of weeks that have passed from the time of conception;
- The particular risks associated with your pregnancy;
- The particular risks associated with the abortion technique to be performed;

If you ask, your doctor must also give you information about alternatives to abortion, including information about public and private agencies and the services that are available to you. Your doctor can also provide a list of these agencies and services, at your request.



Maine Women's Policy Center

THE VOICE OF MAINE WOMEN

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The Maine Women's Policy Center is a nonprofit organization dedicated to improving the lives of women and girls.

What is Emergency Contraception (EC)?

Emergency contraception, also known as the “morning-after pill” or “Plan B,” is a form of birth control that helps prevent pregnancy after unprotected sex, but it is not an abortive drug.



Emergency contraception contains hormones (similar to those found in regular birth control pills) that prevent ovulation and inhibit sperm from joining with an egg, thereby reducing the risk of pregnancy.

Though it works better the earlier you take it, it is effective if taken within five days (120 hours) after sex. It is not as

effective as birth control used before or during sex (such as birth control pills and condoms), however, and does not protect you from sexually-transmitted diseases.

Emergency contraception should not be used in place of regular birth control, and should not be taken if you are already pregnant.

What Rights Do I Have to Access EC?

When a pharmacist gives you emergency contraceptive pills, Maine law requires that s/he provide you with a standardized fact sheet that includes the following information:

- Directions for taking the pills;
- How the medication should be used;
- Referral information for medical follow-up;
- Referral information about sexual assault.

When you receive emergency contraception from a pharmacist, you have the same right to privacy as you would for any other prescription drug, and the confidentiality of your medical records must be maintained.

If you have insurance that covers prescription medication

or outpatient medical services, your insurance must provide the same level of coverage for prescription contraceptives approved by the federal Food and Drug Administration and for outpatient contraceptive services. Religious employers, however, are exempt from this requirement.

How Do I Get It?

Emergency contraception can be obtained from most pharmacies, so long as there is a licensed pharmacist who has completed training for this medication.

Women who are 17 years old or older may obtain EC without a prescription.

Frequently Asked Questions

Can a doctor or nurse refuse to perform an abortion? Yes, a healthcare professional can refuse to perform an abortion and cannot be penalized for that refusal.

Does MaineCare cover abortion? Not necessarily. MaineCare will only cover abortion services if they are necessary to save the life of the mother, or if the pregnancy was the result of an act of rape or incest.

I've seen abortion statistics – does that mean the government will find out that I had an abortion? Though standard doctor-patient confidentiality rules apply, your doctor is required to report abortions to the Department of Health and Human Services. These reports, however, cannot include your name, address or other information that would identify you.

Get Help



Emergency Contraception Hotline
888-NOT-2-LATE (888-668-2528)



Family Planning Association of Maine
MaineFamilyPlanning.org
877-326-2345



Mabel Wadsworth Women's Health Center, Bangor
MabelWadsworth.org
800-948-5337



Planned Parenthood of Northern New England
PlannedParenthood.org/ppnne
800-230-PLAN (7526)



Unfortunately, some organizations aim to misinform women considering an abortion. These so-called “crisis pregnancy centers” (aka “pregnancy resource centers”) advertise under abortion services even though they do not provide abortions. Under the guise of abortion counseling, they use deceptive information and emotional and unnecessary ultrasounds to discourage women from accessing their rights. For more information, visit <http://www.prochoiceamerica.org/media/fact-sheets/abortion-cpcs.pdf>