



UNITED TO RESTORE AND SUSTAIN  
ABORTION COVERAGE FOR LOW-INCOME WOMEN

## THE EQUAL ACCESS TO ABORTION COVERAGE IN HEALTH INSURANCE (EACH Woman) ACT: *Groundbreaking Legislation for Reproductive Justice*

**The EACH Woman Act** is bold legislation to reverse the Hyde Amendment and related abortion funding restrictions. Initially introduced in July 2015 by Representatives Barbara Lee (D-CA) and Jan Schakowsky (D-IL), alongside Pro-Choice Caucus Co-Chairs Diana DeGette (D-CO) and Louise Slaughter, the EACH Woman Act enjoyed the support of 137 co-sponsors in the 115<sup>th</sup> Congress.

### LEGISLATIVE OVERVIEW

The EACH Woman Act would have a significant impact on abortion care for women and their families who struggle financially, creating two important standards for reproductive health:

- 1. First, it sets up the federal government as a standard-bearer, ensuring that every woman who receives care or insurance through the federal government will have coverage for abortion services.** The EACH Woman Act restores abortion coverage to those:
  - enrolled in a government health insurance plan (i.e., Medicaid, Medicare), including those who live in the District of Columbia;
  - enrolled in a government-managed health insurance program (i.e., FEHBP, TRICARE) due to an employment relationship; or
  - receiving health care from a government provider or program (i.e., Indian Health Services, the Federal Bureau of Prisons, the Veterans Administration).
- 2. Second, it prohibits political interference with decisions by private health insurance companies to offer coverage for abortion care.** Federal, state and local legislators will not be able to interfere with the private insurance market, including the insurance marketplaces established by the Affordable Care Act, to prevent insurance companies from providing abortion coverage.

### CURRENT RESTRICTIONS

Since the Hyde Amendment was passed in 1976, anti-choice federal politicians have added abortion coverage and funding bans to programs affecting:

- Medicaid, Medicare and Children's Health Insurance Program enrollees;
- Federal employees and their dependents;
- Peace Corps volunteers;
- Native Americans;
- Women in federal prisons and detention centers, including those detained for immigration purposes;
- Military servicewomen, veterans and their dependents; and
- Low-income women in the District of Columbia.

**THE HYDE  
AMENDMENT,**  
passed yearly by  
Congress in federal  
appropriations legislation,  
bans federal funding for  
abortion except in cases  
of rape, incest, and life  
endangerment. The  
measure primarily  
restricts federal  
Medicaid coverage.

Currently, 34 states and the District of Columbia do not cover abortion within their state Medicaid programs, except for limited exceptions.<sup>i</sup> Additionally, anti-abortion politicians in 26 states have enacted restrictions that interfere with abortion as a covered health service in health plans offered by health insurance exchanges, 22 states restrict abortion coverage in insurance plans available for public employees, and 11 states have laws restricting insurance coverage of abortion in all private insurance plans written in the state.<sup>ii</sup>

## THE IMPACT OF ABORTION COVERAGE BANS

When policymakers deny women insurance coverage for abortion, they either are forced to carry the pregnancy to term or pay for care out of their own pockets. Consequently, cutting off access to or placing strict limitations on abortion can have profoundly harmful effects on public health, particularly for those who already face significant barriers to receiving high-quality care, such as low-income women, immigrant women, young women, and women of color.

- Fifty-eight (58%) of reproductive-age women enrolled in Medicaid live in states that withhold insurance coverage for abortion except in limited circumstances.<sup>iii</sup>
- Fifty-one percent (51%) of reproductive-age women enrolled in Medicaid and subject to abortion coverage restrictions are women of color.<sup>iv</sup>
- Studies show that when policymakers place severe restrictions on Medicaid coverage of abortion, it forces one in four poor women seeking an abortion to carry an unwanted pregnancy to term.<sup>v</sup>
- When a woman is living paycheck to paycheck, denying coverage for an abortion can push her deeper into poverty. Indeed, studies show that a woman who seeks an abortion but is denied is more likely to fall into poverty than one who is able to get an abortion.<sup>vi</sup>
- Women with lower socioeconomic status – specifically those who are least able to afford out-of-pocket medical expenses – already experience disproportionately high rates of adverse health conditions. Denying access to abortion care only exacerbates existing health disparities.<sup>vii</sup>
- Due to a number of underlying reasons connected to inequity, women of color are more likely to qualify for government insurance programs that restrict abortion coverage and are more likely to experience higher rates of unintended pregnancy.<sup>viii</sup>

**“I certainly would like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle-class woman, or a poor woman.**

**Unfortunately, the only vehicle available is the...Medicaid bill.”**

**-Rep. Henry Hyde (R-IL), 1977**

When it comes to the most important decisions in life, such as whether to become a parent, it is vital that a woman is able to consider all the options available to her, however little money she makes or however she is insured. **The EACH Woman Act creates a more even playing field, so that a lack of health coverage will not stand in the way of a woman making the best decision for her and her family.**

<sup>i</sup>State funding of abortion under Medicaid. Guttmacher Institute. January 2019. <https://www.guttmacher.org/state-policy/explore/state-funding-abortion-under-medicaid>.

<sup>ii</sup> Restricting Insurance Coverage of Abortion. Guttmacher Institute. January 2019. Available at <https://www.guttmacher.org/state-policy/explore/restricting-insurance-coverage-abortion>.

<sup>iii</sup> Donovan M. In Real Life: Federal Restrictions on Abortion Coverage and the Women They Impact. Guttmacher Institute. January 2017. Available at <https://www.guttmacher.org/gpr/2017/01/real-life-federal-restrictions-abortion-coverage-and-women-they-impact>

<sup>iv</sup> Ibid

<sup>v</sup> Henshaw SK et al., Restrictions on Medicaid Funding for Abortions: A Literature Review, Guttmacher Institute, 2009. Available at <http://www.guttmacher.org/pubs/MedicaidLitReview.pdf>

<sup>vi</sup> Foster DG et al, Socioeconomic consequences of abortion compared to unwanted birth, abstract presented at the American Public Health Association annual meeting, San Francisco, Oct. 27–31, 2012. Available at <https://apha.confex.com/apha/140am/webprogram/Paper263858.html>

<sup>vii</sup> Ibid

<sup>viii</sup> Arons, J et al. How the Hyde Amendment Discriminates Against Poor Women and Women of Color. Center for American Progress, May 2013. Available at <http://www.americanprogress.org/issues/women/news/2013/05/10/62875/how-the-hyde-amendment-discriminates-against-poor-women-and-women-of-color/>