Research Protocol for State Abortion Laws

Prepared by the Policy Surveillance Program Staff

December 2019
I. Date of Protocol Creation: December 2019

II. Scope: The Abortion Law Project provides a comprehensive suite of datasets covering 15 different types of abortion regulations listed below:

- Abortion Advertising Restrictions
- Abortion Bans
- Abortion Provider Qualifications
- Abortion Reporting Requirements
- Abortion Requirements for Minors
- Abortion Waiting Period Requirements
- Medication Abortion Requirements
- Protecting Access to Abortion Clinics
- Refusal to Perform Abortions
- Restrictions on Insurance Coverage of Abortion
- Restrictions on Public Funding of Abortion
- Statutory and Constitutional Right to Abortion
- TRAP – Abortion Facility Licensing
- TRAP – Ambulatory Surgical Center Requirements
- TRAP – Hospitalization Requirements

This State Abortion Laws dataset offers a general overview of state statutes and regulations across all 51 U.S. jurisdictions to serve as a snapshot of the regulatory landscape across all 15 topics. It provides a summary of the general scheme of abortion restrictions for each jurisdiction, based on each topic area. Each of the questions in this overview dataset corresponds to the first coding question in each of the 15 individual datasets. Clicking on the citation button will provide a link to the proper individual dataset.

III. Primary Data Collection


b. Dates Covered in the Dataset: This dataset started out as cross-sectional, analyzing abortion laws as they are in effect at one point in time, December 1, 2018. This dataset was then updated to be longitudinal, covering changes in the law from
December 1, 2018 through December 1, 2019. However, coding for all three TRAP questions covers changes in the law from December 1, 2016 through December 1, 2019.

c. **Data Collection Methods:** The Policy Surveillance Program Staff (“Team”) building this dataset consisted of four legal researchers (“Researchers”) and one supervisor (“Supervisor”). WestlawNext was used to identify which states had abortion laws. Subject matter experts from Guttmacher Institute, Resources for Abortion Delivery, American Civil Liberties Union, Center for Reproductive Rights, National Abortion Federation, and Planned Parenthood Federation of America were consulted to assist with defining the scope of the laws included in the Abortion Law Project.


IV. Coding

a. **Development of Coding Scheme:** The Team conceptualized and created the coding questions, then circulated them to the subject matter experts from Guttmacher Institute, Resources for Abortion Delivery, American Civil Liberties Union, Center for Reproductive Rights, National Abortion Federation, and Planned Parenthood Federation of America to review and finalize. When the questions were finalized, the Team entered the questions into MonQcle, a web-based software coding platform. As the Team developed the coding scheme they recorded the dataset terminology below:

b. **Coding Methods:**

i. Questions were coded to reflect the corresponding coding of the first question in each of the 15 datasets. Citations provide a link to the corresponding dataset for further information on the laws that provide a basis for coding.

ii. New iterations for each jurisdiction were only included if coding changed for the first question in a dataset or if there were substantive changes to case law and/or attorney general opinions.

Below are questions included in the State Abortion Laws dataset. Each of the following questions is identical to the first question of the corresponding dataset. The questions were coded “yes” when the state had a statute or regulation related to the corresponding abortion law. The questions were coded “no” when the jurisdiction did not have an effective statute or regulation related to the corresponding abortion law or when the law serving as a basis for coding was deemed ineffective by a judicial decision and/or
attorney general opinion and this limitation was captured in a caution note. Each question was coded to link to each full corresponding dataset where the full legal text can be located.

**Question:** “Does the state restrict the advertisement of abortions?”

**Question:** “Does the state prohibit the performance of certain abortions?”

**Question:** “Does the state regulate abortion provider qualifications?”

**Question:** “Does the state impose reporting requirements related to abortions?”

**Question:** “Does the state require parental involvement for a minor’s abortion?”

**Question:** “Does the state impose requirements on a patient before they can obtain an abortion (e.g. counseling, waiting period, ultrasound, or fetal heart tone)?”

**Question:** “Does the state explicitly regulate medication abortion?”

**Question:** “Does the state provide protections related to a facility or healthcare provider that provides abortion services?”

**Question:** “Does the state allow for refusal to provide abortion services?”

**Question:** “Does the state restrict insurance coverage of abortion?”

**Question:** “Does the state restrict the use of public resources for abortion?”

**Question:** “Does a state statute or constitutional provision protect the right to an abortion?”

**Question:** “Is there a TRAP law imposing facility licensing requirements on abortion providers?”

**Question:** “Is there a TRAP law requiring abortion providers to meet ambulatory surgical center requirements?”

**Question:** “Is there a TRAP law requiring abortions to be performed in a hospital?”

V. Quality Control

a. **Quality Control – Original Coding:** Quality control consisted of the Supervisor exporting the data into a Microsoft Excel document as the Researchers completed coding to examine the data for any missing responses, citations, and caution notes.

b. **Quality Control – Final Data Check:** Prior to publication, the Supervisor downloaded all coding data into Microsoft Excel to do a final review of coding answers, statutory
and regulatory citations, and caution notes. All unnecessary caution notes were deleted, and all necessary caution notes were edited for publication.