

## ■ Abortion Bans in Cases of Sex or Race Selection or Genetic Anomaly

**BACKGROUND:** State legislatures are adopting numerous abortion restrictions targeting very specific pregnancy conditions and populations of women. In recent years, members of Congress have introduced federal legislation that would prohibit abortions based on the sex or race of the fetus.

Sex-selective abortions—that is, abortions performed because of the predicted sex of the fetus—occur most frequently where there is a strong gender bias that manifests in a preference for sons. In some countries, such as those in East and South Asia, the widespread practice of sex selection has resulted in skewed sex ratios with a higher number of boys than girls at birth. In contrast, in the United States, there is limited and inconclusive evidence that immigrants from these areas—or anywhere else—are obtaining sex-selective abortions in this country. Bans on sex-selective abortions place a burden on providers, who are forced to not only question all women’s reasons for seeking an abortion, but to also second-guess and stigmatize Asian-American women and communities. While disguised as a means to eliminate gender discrimination, these laws make abortion less accessible; they do not prohibit other sex selection methods, such as sperm sorting or preimplantation genetic diagnostics.

Arizona enacted legislation that prohibits a woman from aborting her fetus due to race, thereby focusing on the race of the woman having an abortion and placing the provider in a position of having to question her motivations. Antiabortion legislators and activists claim that abortion providers are targeting Latina and African-American women in their communities, relying on statistics showing that these women of color have higher rates of abortions than white women. In fact, six in 10 abortion providers are located in majority-white neighborhoods. Moreover, data show that women of color face higher rates of unintended pregnancies, which leads to higher rates of abortion (See [Abortion and Women of Color: The Bigger Picture](#)).

In 2013, North Dakota was the first state to prohibit abortions in cases of fetal abnormality, even in cases where the fetus has a condition that is incompatible with life and will die before or soon after birth. Multiple states have implemented counseling requirements for women undergoing abortion to include information on perinatal hospice services.

### HIGHLIGHTS:

- 7 states ban abortions for reason of sex selection at some point in pregnancy.
- 1 state prohibits abortions for reasons of race.
- 1 state prohibits abortions when the fetus may have a genetic anomaly.
  - 3 states require counseling on perinatal hospice services available before a woman may undergo an abortion if it may be due to a lethal fetal condition.
  - Kansas requires counseling on perinatal hospice services before any abortion may be performed.



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<b>ABORTION BANS IN CASES OF SEX OR RACE SELECTION OR GENETIC ANOMALY</b>			
<b>STATE</b>	<b>PROHIBITS ABORTION IN CASE OF:</b>		
	<b>Sex Selection</b>	<b>Race Selection</b>	<b>Genetic Anomaly</b>
Arizona	X	X	†
Illinois	▼*		
Kansas	X		†
Minnesota			†
North Carolina	X		
North Dakota	X		X
Oklahoma	X		†
Pennsylvania	X		
South Dakota	X		
<b>TOTAL</b>	<b>7</b>	<b>1</b>	<b>1</b>

▼ Enforcement permanently enjoined by court order; policy not in effect.

\* Illinois's ban applies after viability; in 1993, a federal court enjoined the portion of the bill that applies before viability.

† Minnesota and Oklahoma require counseling on perinatal hospice services if an abortion is sought due to a lethal fetal abnormality, as well as counseling on outcomes for those living with the condition that the fetus is diagnosed with if the abortion is sought for a nonlethal fetal condition. Kansas requires counseling on perinatal hospice services before all abortions.

#### FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's [Monthly State Update](#), for state-level policy information, see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information, go to Guttmacher's [Data Center](#), and for abortion-specific information, click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis, sign up for the [State News Quarterly Listserv](#).

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