

News From The States

EVENING WRAP

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By [Kate Queram](#)

Do you have questions about (gestures vaguely) all of this? Send them to askkate@statesnewsroom.com and I may answer them in an upcoming newsletter!

The post-2020 world is mostly a place of uncertainty and instability. Nothing feels particularly safe or static — not our [mortgage rates](#), or [our democracy](#), or our constitutional right to make our own decisions about our own bodies. That fragility feels new, even though it probably isn't. In general, things are fine until they aren't.



The Big Takeaway

In the same vein: *Roe v. Wade* was settled precedent, until it wasn't. And returning the issue “to the states” did not end the abortion war — it just diffused it into a thousand smaller battles. (One in three women of reproductive age [now reside](#) in states where abortion is illegal. [Fourteen states](#) ban the procedure entirely, and seven more impose restrictions that would have been unconstitutional under *Roe*.) We're still in the same trenches. There are just more of them now.

In 2022, state lawmakers introduced 563 proposals [restricting access](#) to

abortion. Fifty of them became law. In 2023 — the first full year in the post-Roe world — those numbers [increased](#) , jumping to 675 and 80, respectively. There was action on the other side, too — lawmakers enacted 129 protective provisions in 2023, and the issue could be on the ballot this year in as many as [13 states](#) — but one doesn't negate the other. In general, blue states are working to preserve reproductive autonomy, and red states continue to whittle it down.



*Just a uterus, painted on a window, asking you to please leave us alone.
(Photo by Rachel Mipro/Kansas Reflector)*

This is less a trend than a new reality. By Jan. 15, state legislators had introduced [around 200](#) anti-abortion bills, ranging from all-out bans to procedural requirements, like mandatory ultrasounds or fetal heartbeat testing. At least five of those are in Kansas, where House lawmakers on Wednesday debated the merits of [a proposal](#) that would require abortion providers to record each patient's reason for terminating a pregnancy, then report that information to the state twice each year, [the Kansas Reflector reported](#).

The policy would direct providers to have their patients select from a list “the most important factor” influencing their choice to have an abortion. (Would a

pregnancy interfere with your education or career? Do you “not feel mature enough” to raise a child? Do you “not want others to know” you had sex?) Patients can opt not to answer, but even that would go into the written record, along with a slew of demographic information, including age, race, marital status and level of education. The information would be anonymized before it goes to the state health department, which would use it to inform policy for pregnant Kansans, according to Mackenzie Haddix, a spokeswoman for Kansans For Life, an anti-abortion group that helped draft the bill.

“If true choice is to truly exist, every woman should have the opportunity to examine all of her options,” she told lawmakers. “There’s real information that helps us gain a better understanding of why women are choosing abortion.”



And that's enough of that!
(Photo by Rechitan Sorin/Adobe Stock)

Here's the thing: Other people's abortions are none of your business. You don't have a right to know why someone opts to terminate a pregnancy. You don't even have the right to know *if* someone opts to terminate a pregnancy. This is true if the patient is your sister, or your mom, or your best friend, or your wife. (In most cases, it's even true if you're their doctor.) It is extra super-duper true if you're their elected representative, both because you likely have never met them

and also because you, a person who gets paid to write bills, should be capable of crafting policy without peeking at strangers' medical records. In fact, I don't recall Kansas Republicans requesting private health data as a precursor to [banning vaccine mandates](#) or [gender-affirming care](#). If they did it with those health issues, they can do it with this one, said Taylor Morton, a lobbyist and policy analyst for Planned Parenthood Great Plains.

"Patients seeking literally any other form of necessary health care are not and would never be subjected to such intrusive and personal questioning," she said. "Nor are pregnant people subjected to such questioning when they decide to carry a pregnancy to term."

There is no point to this bill. Abortion is [protected in the Kansas Constitution](#) and remains legal through 22 weeks of pregnancy. Lawmakers are technically allowed to keep chipping away at the particulars of the procedure, but they can't outlaw it, so nothing they do is going to prevent people from obtaining safe and legal abortions. At best, they'll just make people feel worse about it. At this point, that's pretty much the GOP's [entire personality](#).

Oklahoma Republicans followed a slightly more extreme path on Wednesday, advancing a sweeping bill that would create a state database of abortion patients, require doctors to justify the procedure under oath, require physician approval for over-the-counter emergency contraception, and restrict the use of IUDs, [the Oklahoma Voice reported](#).



*NOT A ROSARY STORAGE DEVICE
(Photo by Leigh Vogel/Getty Images)*

The bill, drafted with the help of the Christian-right Alliance Defending Freedom, is an amalgamation of anti-abortion policies approved by the legislature but overturned by the state Supreme Court after justices determined that the language conflicted with a previous ruling that found that the state constitution guaranteed the “inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life.” The new proposal is specifically worded to better acquiesce to those terms, according to state Rep. Kevin West, the Republican who wrote it.

“What this bill is attempting to do is maintain the bills the legislature has overwhelmingly passed over the past couple of years that got overturned by the Oklahoma Supreme Court by using their language,” he said.

Under the policy, doctors would have to submit the names of abortion patients to the state, which would assign each a “unique patient identifier” before adding them to a database. Officials could then see the number of abortions obtained by each person, potentially for the rest of their lives. Doctors would also be required to submit, under oath, a written justification for each abortion within 30 days of performing the procedure, citing the rationale for declaring the patient’s life at risk. Doctors who provide false information can lose their licenses for up to

a year and be liable for civil lawsuits if the abortion is deemed “unnecessary.” The bill, approved by a House committee along party lines, goes next to the full House.



Unfortunate!
(Photo by AntonioDiaz/Adobe Stock)

Tennessee lawmakers focused Tuesday on the consequences of the state’s *existing* abortion ban , noting that a potential increase in newborns could also lead to an increase in the number of babies surrendered under a no-questions-asked Safe Haven law. A proposed bill aims to prepare for that influx by providing \$2 million to install a so-called “baby box” in each county, giving new parents a place to safely and anonymously surrender their newborns, [the Tennessee Lookout reported](#) .

“I think this is another tool to help mothers in distress,” state Rep. Ed Butler, a Republican, said during a legislative hearing for his bill. “Unfortunately we’re living in a society where a baby box is the only option.”

Yes, it is *unfortunate*, isn’t it? If only there had been some way to *prevent* this *unfortunate* world, like perhaps not passing [a bill](#) that [automatically banned abortion](#) the moment the Supreme Court overturned *Roe*. If only someone —

say, Butler — had thought about this before *voting in favor* of that bill, thus *creating* the world he now laments as *unfortunate* . If only someone had told him! IF ONLY!

...**Sorry, I'm back now.** The number of newborns surrendered under the state's Safe Haven law has remained steady (and small — about six per year) since it was enacted in 2001. There was no increase even after the state's abortion ban took effect in 2022, according to data from the state. That could change, but the state's existing system is already equipped to handle it, according to Taylore Sanzo, executive director of A Secret Safe Place for Newborns of Tennessee. That \$2 million might be better spent on education and outreach efforts, he added.

“I would not be surprised to see the numbers jump because women will no longer be able to abort their pregnancies,” Sanzo said. ““Women need to know there's a viable option to abandonment. They're going to want an alternative, and it's so important to ensure that information is available.”

UNFORTUNATELY

- [Maryland Gov. Wes Moore announces reproductive health access expansions amid uncertain U.S. abortion landscape](#)
- [Legislation would require South Dakota Health Department to make video interpreting state's abortion ban](#)
- [West Virginia Senate passes 'informed consent' abortion bill](#)



State of Our Democracy

Donald Trump does not strike me as a person who maintains a daily planner, but if he did, it would be *chock full* of *important dates*. On Feb. 24, for example, he's got the South Carolina primary, and [then after that](#), he's got Super Tuesday, and then after *that* he has approximately one zillion court dates for his approximately one zillion criminal charges. A person could use a planner to keep track of this, is all I am saying. I will now act as that planner, with a hefty assist [from our D.C. bureau](#).



*It would be the greatest planner ever, you wouldn't even believe it. All gold.
(Photo by Brendan McDermid-Pool/Getty Images)*

First up: Jury selection on March 25 in [a New York state case](#) stemming from allegations that Trump falsified business records to funnel hush money payments to adult film star Stormy Daniels in the heat of the 2016 campaign.

Originally supposed to be first up: A federal case stemming from [Trump's attempts](#) to overturn the 2020 election, mostly related to his actions on Jan. 6, 2021. That trial was slated to begin on March 4, but it was postponed indefinitely to give Trump time to exhaust his appeals (and the nation) on [the argument](#) that former presidents are immune from prosecution from anything they did in office, even if those things seem pretty illegal, as long as they were done in the course of “official duties.”

A D.C. appeals court [rejected this argument](#) and deployed some legal maneuvering to force Trump to take his next appeal directly to the U.S. Supreme Court rather than waiting for the full circuit to weigh in. He did, sort of, but only to ask the high court to [pause the entire case](#) so he could attempt to convince the appeals court to do the thing it specifically said it would not do. Special Counsel Jack Smith on Wednesday [urged the Supreme Court](#) to ignore that request,

saying the “absolute immunity from criminal things” defense is so stupid that it really does not need to be heard by another lower court before inevitably making its way up the chain either way.

“That position finds no support in constitutional text, separation-of-powers principles, history, or logic,” Smith wrote. “And if that radical claim were accepted, it would upend understandings about Presidential accountability that have prevailed throughout history while undermining democracy and the rule of law.”

Just kind of hanging around: A pending [Supreme Court decision](#) on a Colorado ruling that removed Trump from the primary ballot under the 14th Amendment, which bars from office anyone who takes an oath to defend the Constitution and then engages in insurrection against it. The final word is expected soon, and it is expected to keep Trump [on the ballot](#).

Also happening: The Fulton County election interference case, currently consumed with tangential details about the [special romantic friendship](#) between District Attorney Fani Willis and Nathan Wade, a special prosecutor for the county. This has nothing to do with the evidence against Trump, but the optics are bad, and we’re probably going to keep hearing about it.

Because of course we are

- [Arizona Republicans want to roll back the clock 30 years and end no-excuse early voting](#)
- [Public could lose access to many government records under bill that Kentucky House speaker supports](#)
- [Five years later, anti-sexual harassment reforms in Maryland legislature having desired effect](#)
- [\(New Jersey\) Democrats dominate in getting bills to become laws, with leadership snagging the most wins](#)



From The Newsrooms

Education

- [College faculty overwhelmingly](#)
- [South Dakota lawmakers endorse](#)

[opposed to Indiana bill seeking to end “viewpoint discrimination”](#)

- [New Jersey bill targeting book censorship at libraries leads to partisan clash](#)

[summer children’s food program, nix expansion of reduced price school meals](#)

- [More people in schools, including teachers, could carry guns under West Virginia GOP’s school safety plan](#)

Health care

- [As Alaska pays millions to fix food stamp backlog, lawmakers suggest systemic fixes](#)
- [New Orleans nurses fight for new union as hospitals merge, revenues soar](#)

- [Bipartisan Ohio House bill seeks to lower insulin costs](#)
- [Utah may ban selling flavored vapes amid concerns of use among minors](#)

Environment

- [Idaho Legislature’s JFAC signs off on \\$11.6M to fight invasive quagga mussels](#)
- [This New Hampshire building wasn’t meeting minimum air quality standards. It will cost millions to fix.](#)

- [Oregon farmers spar over risks of expanding genetically modified canola crop](#)
- [Is a bill to protect Rhode Island’s Sapowet Cove really a move to block oyster farm plan?](#)



One Last Thing

A female stingray named Charlotte is pregnant with [as many as four pups](#) despite not having shared an aquarium with a male in eight years, according to the owner of the store where she lives. (She does live with five small sharks, with whom she could not have plausibly mated, according to a stingray expert.)

Charlotte: A medical mystery. A feminist icon. A stingray who is probably just ready to not be carrying around four babies.

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