

# News From The States

## REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



*Kentucky Democratic Rep. Lindsey Burke said pregnancy is “very complicated” in explaining her reasons behind legislation to provide access to abortion.  
(Sarah Ladd/Kentucky Lantern)*

A Kentucky Democrat is filing three bills aimed at restoring abortion access and protecting reproductive health care in the commonwealth, which bans most abortions.

Rep. Lindsey Burke’s proposals would undo anti-abortion laws, protect abortion patients’ medical records and require new or expectant parents enrolled in an at-home nurse program to receive information about postpartum depression and other mental health issues.

The legislature is dominated by Republicans, [Kentucky Lantern](#) reports. But Democratic Sen. David Yates recently filed a bill that would add rape and incest exceptions to the state's abortion bans.

**Burke, a sexual assault survivor, shared her personal fertility journey with reporters this week in hopes that her story will sway “friendly faces across the aisle.”** She said she suffers from [polycystic ovary syndrome](#), a hormonal diagnosis that affects roughly 5 million American women, according to the Centers for Disease Control and Prevention.

She and her husband decided to conceive through assisted reproductive technology. Burke said they borrowed more than \$50,000 and tried intrauterine insemination and in vitro fertilization.

**Despite having a successful IVF session in 2020, she had a [missed miscarriage](#)—when an embryo dies in utero but the body doesn't pass the pregnancy.** “Instead of hearing the sound of electrical impulses or heartbeat, we heard silence,” Burke said, reflecting on her first prenatal appointment.

She traveled to Ohio to get a dilation and curettage, a procedure that removes fetal tissue from the uterus. “Having the ability to know the day and time that that horrible nightmare was going to come to an end was a gift to me. And I'm incredibly grateful that I was able to access that care.”

Afterwards, Burke said she had two embryo transfers. But as her belly grew, one of the fetuses developed severe fetal anomalies that caused vital organs to grow outside the body. Burke underwent a [selective reduction](#) to abort the unviable fetus.

“I loved all three of those children,” Burke said. “I still do.”

**THE BEAT** *States Newsroom coverage*

## **Michigan AG asks court to dismiss lawsuit against reproductive rights amendment**



*Michigan March for Life rallied outside the State Capitol on Nov. 8, 2023.  
(Anna Liz Nichols/Michigan Advance)*

Attorney General Dana Nessel told [Michigan Advance](#) she asked a federal court to dismiss a lawsuit filed by Right to Life of Michigan over the state's reproductive rights constitutional amendment.

The group, along with three Republican state lawmakers and several anti-abortion doctors, sued Democrats Nessel, Gov. Gretchen Whitmer and Secretary of State Jocelyn Benson in November, arguing that **Proposal 3** — the ballot measure **57% of Michigan voters approved** in 2022 — violates the First and 14th U.S. amendments by infringing on religious freedom and fetal personhood rights, among other tenets.

“The plaintiffs in this case seek to undermine the will of Michigan voters, whose overwhelming support for Proposition 3 in the wake of Roe being overturned ensured that the people of our state are guaranteed agency over their own personal medical decisions,” Nessel said in court filings. “Our judicial system does not allow individuals to control the behavior of their fellow residents on the basis of conjecture and hypothetical scenarios.”

**Genevieve Marnon, legislative director at Right to Life, told the Advance she isn't surprised by the attorney general's effort to get the case dismissed.** Marnon said their goal is to show that the amendment “is denying equal protection to pregnant women, stripping parents of their rights over their children, interfering with the conscience rights of providers, denying the unborn due process, and creating a ‘super right’ immune from legislative action.”

The [amendment](#) guarantees a **right to abortion up to fetal viability** and later in pregnancy if a provider determines the procedure is necessary to protect a patient's life, or physical or mental health. The measure also shields the right to birth control, childbirth, infertility treatments, miscarriage management, prenatal and postpartum health care and sterilization.

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## Democratic governors ask U.S. Supreme Court to maintain mifepristone access

The Reproductive Freedom Alliance, a coalition of 22 governors formed in February 2023, filed a brief with the U.S. Supreme Court on Tuesday, urging the court to maintain the current federal regulations on the abortion drug mifepristone, [NC Newsline](#) and [Pennsylvania Capital-Star](#) reported. In a 52-page [brief](#), **the group asked the court to reject a U.S. 5th Circuit Court of Appeals ruling** that would revert mifepristone's regulations to pre-2016 guidelines. Those regulations mean the drug would be legal up to seven weeks' gestation, and providers would have to see medication abortion patients in-person at least three times, among other limitations.

"Given its mandate, the Reproductive Freedom Alliance has a significant interest in ensuring that litigants in one judicial district who are morally opposed to a particular type of prescription-drug product are not permitted to dismantle patient access to that product nationwide," the brief reads.

The Supreme Court recently [announced](#) it will hold arguments in *Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration* on **March 26**. In November 2022, a group of anti-abortion doctors sued the FDA over its decades-old approval of mifepristone, half of a two-drug regimen used to terminate pregnancies up to 10 weeks. The plaintiffs [argued](#) without solid evidence that the medication is harmful. Top medical bodies have attested to the pill's [safety](#).

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## 10 Alaska newborns tested positive for syphilis in 2023, state data shows

Ten babies in Alaska were born with syphilis last year, [Alaska Beacon](#) reports. **The women who gave birth to infected newborns had no or little access to prenatal care**, according to public health officials. Seven of the women were experiencing homelessness and nine had a history of drug use. There have been 35 cases of congenital syphilis — when mothers pass on sexually transmitted diseases to their fetuses — in Alaska since 2020. Last month, the state Department of Health [urged](#) all sexually active adults under 45 to get tested for syphilis.

The latest numbers underscore the rise of the disease, which is also increasing across the nation. Reported cases of congenital syphilis have skyrocketed over the last decade, from 335 in 2012 to 3,751 in 2022, according to the Centers for Disease Control and Prevention.



**Syphilis among newborns can lead to serious impairments**, such as bone deformities or blindness, per the CDC.

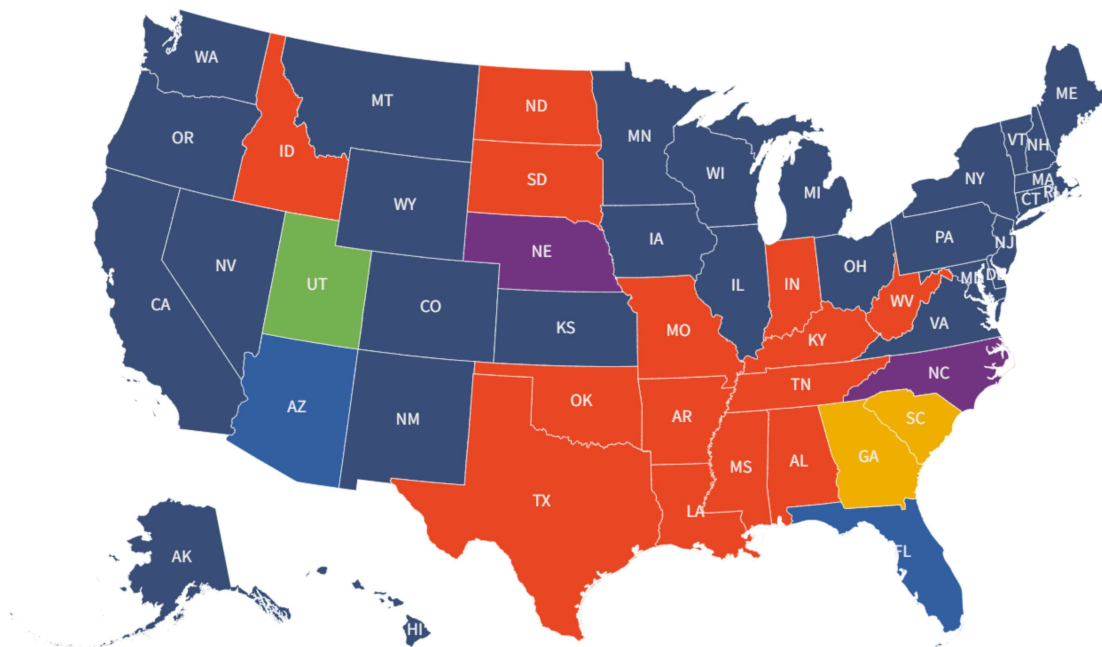
**THE PULL** *Commentary from Tennessee*

“I was incredibly dismayed to see a particular bill filed in the Tennessee legislature last week. [HB1895](#), sponsored by Rep. Jason Zachary, R-Knoxville, would impose both criminal and civil penalties on anyone other than biological parents or guardians who take a pregnant minor out of state for abortion care. Zachary claims to want to protect children, but his bill places children who have been sexually abused at further risk.” — **Dr. Katrina Green**, board certified emergency physician who practices in Nashville and Lawrenceburg, [Tennessee Lookout](#)

**THE PULSE** *Reproductive rights news across the country*

- Abortion rights has emerged as a top issue in the race to replace former U.S. Rep. George Santos, a Republican who represented a New York swing district before being expelled from Congress last year. ([The New York Times](#))
- Nearly 8.7% of American babies were born prematurely in 2022, according to federal data. ([Guardian](#))
- Some infertility treatments are tax deductible, but heterosexual couples are more likely to qualify for write-offs than LGBTQ+ couples. ([USA Today](#))

**STATE BY STATE** *Abortion access in the U.S.*



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