

Oklahoma legislature passes bill banning almost all abortions, makes performing one a felony

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Legislators in Oklahoma this week approved a near-total ban on abortion, making the Republican-led state the latest to pass a strict abortion law. Senate Bill 612 would make performing an abortion, “except to save the life of a pregnant woman in a medical emergency,” a felony punishable by up to 10 years in prison and a fine of \$100,000. The law is a direct challenge to the landmark 1973 decision of the US Supreme Court in *Roe v. Wade* upholding the right to abortion.

The Oklahoma House voted 70-14 on Tuesday without debate to pass the bill, which passed the state Senate last year. The bill now goes to Republican Governor Kevin Stitt, who has vowed to sign “every piece of pro-life legislation” that comes to his desk.

The law would prohibit any abortion, including of pregnancies resulting from rape or incest. The only exception is a “medical emergency” that “cannot be remedied by delivery of the child.” The bill would also “prohibit the sale, use, prescription or administration of a contraception measure, drug or chemical” to end a pregnancy. A woman receiving an abortion would not be held criminally responsible.

The Oklahoma legislation will have a major impact on women in Texas, after that state banned nearly all abortions after six weeks of pregnancy last year. Planned Parenthood clinics in Oklahoma have seen an 800 percent increase in patients from Texas following that state’s implementation of legislation that prohibits abortions after fetal cardiac activity—referred to incorrectly as a fetal “heartbeat”—is detected, which is usually around the sixth week of pregnancy, when many women are not even aware they are pregnant.

The day after SB 612 was sent to the governor’s desk, Oklahoma’s House Committee on Public Health

approved another bill banning abortion at six weeks. If it becomes law, it would go into effect immediately. The bill is modeled after Texas’ SB8, the abortion ban the Supreme Court allowed to go into effect in September that bypasses *Roe* by having the ban on abortions enforced by private lawsuits instead of state prosecution.

Women traveling to Oklahoma for an abortion have had to contend with the state’s draconian restrictions already in place, including an ultrasound, a 72-hour waiting period and mandatory anti-abortion counseling. This places an extreme financial burden on women, who must pay for travel and accommodations while they are put through this labyrinth of restrictions in order to receive abortion services. Other states seeing large numbers of patients from Texas include Louisiana, New Mexico, Kansas and Colorado.

In March, the Florida Senate voted to ban most abortions after 15 weeks of pregnancy. Also advancing 15-week abortion bans this legislative session were West Virginia and Arizona.

Anti-abortion legislators in Oklahoma are counting on the US Supreme Court’s upholding of legislation in Mississippi that bans abortion after a pregnancy reaches 15 weeks. In oral arguments in November in *Dobbs v. Jackson*, the high court’s six ultra-conservative justices signaled that they are prepared to uphold the Mississippi law.

The follow-up decision to *Roe* in *Planned Parenthood v. Casey* established the right to abortion in the first two trimesters of pregnancy, which upheld the right to abortion until the fetus is viable outside the womb, at about 23 weeks. The court’s upholding of the Mississippi law would mean fetal viability is no longer

the standard, opening the way for the upholding of the Oklahoma legislation, which would essentially amount to an outright ban of the procedure.

If the Supreme Court does uphold the Mississippi law this spring, this would embolden other states to move toward banning abortion outright. According to the Guttmacher Institute, 21 states have laws or amendments in place that would allow them to ban abortion as quickly as possible. “Trigger bans,” which declare abortion illegal as soon as *Roe* is overturned, exist in 12 states.

Emily Wales, interim president at Planned Parenthood Great Plains Votes, which advocates for the rights of patients in Arkansas, Kansas, Missouri and Oklahoma, said in a statement on Tuesday that Oklahoma lawmakers “are more focused on governing our bodies than addressing real crises, like the economic turmoil caused by the pandemic and rising maternal mortality rates.”

The US has the highest maternal mortality rate of any industrialized country, and it is higher than it has been in decades, at 17.4 maternal deaths per 100,000 lives births in 2018, according to the Commonwealth Fund. This compares to Switzerland (4.6 per 100,000), Sweden (4.3 per 100k), Germany (3.2 per 100k), Netherlands (3.0 per 100k) and Norway (4.6 per 100k).

The five US states with the highest maternal mortality rates so far in 2022 are Louisiana, (58.1 per 100k), Georgia (48.4 per 100k), Indiana (43.6 per 100k), New Jersey (38.1 per 100k) and Arkansas (37.5 per 100k).

Data published in February by the Centers for Disease Control and Prevention show the overall maternal death rate in the US rose from 20.1 deaths per 100,000 live births in 2019 to 23.8 deaths per 100,000 in 2020, an 18 percent increase. The rate has increased by nearly 37 percent since 2018.

Many maternal deaths occur after birth, with some deaths occurring postpartum, shortly after birth or months later due to internal complications. These include infection, severe bleeding and high blood pressure.

Poverty and extreme social inequality are the drivers of the scandalous rate of US maternal deaths. Despite having some of the most advanced medical technology, the delivery of US health care is subjugated to the for-profit health care system. These conditions have been exacerbated by the pandemic. The passage of anti-

abortion legislation will only increase the suffering and deaths of women forced to carry unwanted pregnancies to term.

The attack on the right to abortion predominantly impacts working class women, who do not have the financial means or time away from family or work to travel to other states or countries that provide abortion services. This inevitably forces women to resort to “back alley” abortions by non-medical or unscrupulous providers, endangering their health and lives.

The passage of anti-abortion legislation, and the threat to the very right to abortion if *Roe v. Wade* is overturned, will not be fought by the Democratic Party. Following the passage of Texas’ SB8, President Joe Biden denounced the legislation as “unconstitutional chaos” and “an unprecedented assault on a woman’s constitutional rights.” But nothing has been done by his administration since to defend the right to abortion.

For many years as a US senator he supported the congressional ban on federal funding for abortions known as the Hyde Amendment, which prevents people on government health plans like Medicaid from having insurance coverage for most abortions. The Democrats, in control of both houses of Congress, have made no effort to pass a law to codify *Roe v. Wade*, despite Biden’s pledge as a presidential candidate to do so.

Democratic rights, including the right to abortion, can only be defended in a struggle by the working class to abolish the capitalist system, the source of social inequality. The defense of abortion rights must be linked to the mounting resistance of autoworkers, miners, teachers, health care and all workers against the for-profit system and in the fight for socialism.



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