

Florida law banning abortions after 6 weeks takes effect

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A ban on abortions after only six weeks of pregnancy took effect this week in Florida, marking yet another attack on reproductive rights since the Supreme Court overturned the constitutional right in 2022. With the prohibition in the state taking effect, abortion is now functionally illegal throughout the American South, encompassing more than 100 million people.

As in Florida, the states of Georgia, North Carolina and South Carolina ban abortions after six weeks, a time frame where many women may not know they are pregnant before the prohibition takes hold. The procedure is completely illegal in Louisiana, Alabama, Mississippi, Texas, Arkansas, Tennessee, Kentucky, Missouri and West Virginia. There are also outright bans in North and South Dakota, Indiana and Idaho.

Florida's six-week ban was passed in March of 2023, as part of a larger package of right-wing legislation aimed at elevating Florida governor Ron DeSantis' national profile in the lead-up to his failed attempt to unseat former president Donald Trump as the Republican nominee for president in 2024. It superseded an earlier ban passed in 2022 that prohibited abortions after 15 weeks.

The reproductive rights group Planned Parenthood challenged the constitutionality of the 15-week ban after it was passed in 2022, claiming that it violates the state constitution's privacy protections. Last month, the Florida Supreme Court ruled in favor of the state, allowing the 15-week ban and the superseding six-week ban to become law.

In ruling in favor of the state, the court overturned the results of a 1980 referendum which encoded the privacy protections into the state constitution, supporting the state attorney's claim that voters at the time did not understand that the amendment applied to abortion rights. That ruling overturned another from the

Florida Supreme Court in 1989 which found that the privacy protections do extend to abortion rights. It also invalidated another referendum from 2012, when voters rejected an amendment that would have exempted abortion from privacy protections.

The Florida ban will have repercussions throughout the region. Since the Supreme Court overturned *Roe v. Wade* in 2022 the state had become a refuge for women throughout the south seeking abortions. In 2023 at least 9,300 women traveled to Florida to obtain an abortion, according to research conducted by the Guttmacher Institute, a pro-choice organization.

This figure is more than double the number who came to the state seeking the procedure in the year before the overturn of *Roe* and represents 11 percent of the total number of abortions performed in the state in 2024. Overall, there were around 84,000 abortions performed in Florida last year, representing 1 out of 12 nationally.

The restrictive new law was not passed due to popular demand. In Florida, as in much of the rest of the US, polling has shown time and again that most voters favor abortion rights. In fact, on the same day the state supreme court—five of whose seven members were appointed by DeSantis—handed down its ruling upholding the six-week abortion ban, they were also compelled to allow a referendum initiative to appear on the November ballot which would protect reproductive rights.

That initiative, spearheaded by the group Floridians Protecting Freedom, would place on the ballot a proposed constitutional amendment that would protect abortion rights before “fetal viability,” or approximately the first 24 weeks of pregnancy.

The group exceeded the 892,000-signature threshold in just eight months, collecting over 912,000 signatures

from registered voters. Floridians Protecting Freedom has stated that over 150,000 signatures came from registered Republicans, an indication of the popular support the initiative has generated.

A poll conducted by the University of North Florida last year found that 62 percent of respondents would vote in favor of the amendment if given the chance, with just 29 percent stating they would oppose it. Among registered Republicans, 53 percent said they would vote in favor of the amendment.

In order for the proposed amendment to become law it would have to pass by a margin of 60 percent.

Since *Roe v. Wade* was overturned in 2022 by the Supreme Court, a pattern has emerged. Various state legislatures, typically controlled by a Republican majority empowered by heavily gerrymandered electoral maps, have competed with one another to pass the most restrictive anti-abortion laws possible. They have been aided in their efforts by the state-level courts which, substituting religious dogma for legal doctrine, have upheld reactionary legislation.

This was exemplified in a ruling from the Arizona Supreme Court in April which nullified the state's previous law that allowed abortion through the first 15 weeks of pregnancy.

The court ruled that the overturning of *Roe v. Wade* invalidated the state law governing abortions and restored an outright ban on the procedure first passed in 1864, before Arizona achieved statehood. The law would have allowed for the imprisonment for two to five years of doctors who perform abortions not deemed "necessary to save" a woman's life. Though the law was overturned this week by the state legislature, similar efforts are underway in other states.

Perhaps most notably, the US Supreme Court has agreed to hear a case which challenges the US Food and Drug Administration's (FDA) approval of the abortion drug mifepristone, after an order by a Texas court which sought to ban the drug was overturned by the appeals court.

The anti-abortion zealots have relied on the courts and Republican-controlled state legislatures to enact their agenda because it lacks popular support. Since *Roe* was overturned and the question of abortion was returned to the states, voters have opposed restrictions and supported reproductive rights at every opportunity.

In Ohio, voters rejected an attempt by the far right to

make it harder to enact a constitutional amendment protecting abortion access, then approved a constitutional amendment. In both Kansas and Kentucky, attempts to pass amendments that stated that women do not have the right to abortion were rejected. California, Michigan and Vermont have all passed amendments guaranteeing the right to an abortion.



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