
By: Venkatraman, Richa Keywords: Women's Right to Know Act [2] Informed Consent Laws [3]

Editor's note:
Richa Venkatraman defended her thesis titled "Informed Consent Laws for Abortion: What Do Women Have a "Right to Know?" in May 2020 in front of committee members Jane Maienschein, Jennifer Brian, and Carolina Abboud, earning her a Bachelor's degree from Barrett, the Honors College. https://repository.asu.edu/items/56488 [4]

Abstract:
As of 2019, 30 US states have adopted abortion [5]-specific informed consent [6] laws that require state health departments to develop and disseminate written informational materials to patients seeking an abortion [8]. Abortion is the only medical procedure for which states dictate the content of informed consent [6] counseling. State abortion [5] counseling materials have been criticized for containing inaccurate and misleading information, but overall, informed consent [6] laws for abortion [5] do not often receive national attention. The objective of this project was to determine the importance of informed consent [6] laws to achieving the larger goal of dismantling the right to abortion [5]. I found that informed consent [6] counseling materials in most states contain a full timeline of fetal development, along with information about the risks of abortion [5], the risks of childbirth, and alternatives to abortion [5]. In addition, informed consent [6] laws for abortion [5] are based on model legislation called the "Women's Right to Know Act" developed by Americans United for Life (AUL). AUL calls itself the legal architect of the pro-life movement [7] and works to pass laws at the state level that incrementally restrict abortion [5] access so that it gradually becomes more difficult to exercise the right to abortion [5] established by Roe v. Wade [8]. The "Women's Right to Know Act" is part of a larger package of model legislation called the "Women's Protection Project," a cluster of laws that place restrictions on abortion [5] providers, purportedly to protect women, but actually to decrease abortion [5] access. "Women's Right to Know" counseling laws do not directly deny access to abortion [5], but they do reinforce key ideas important to the anti-abortion [5] movement, like the concept of fetal personhood [9], distrust in medical professionals, the belief that pregnant people cannot be fully autonomous individuals, and the belief that abortion [5] is not an ordinary medical procedure and requires special government oversight. "Women's Right to Know" laws use the language of informed consent [6] and the purported goal of protecting women to legitimate those ideas, and in doing so, they significantly undermine the right to abortion [5]. The threat to abortion [5] rights posed by laws like the "Women's Right to Know" laws indicates the need to reevaluate and strengthen our ethical defense of the right to abortion [8].

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