Self-Managed Abortion, the Law, and COVID-19 Fact Sheet

During the COVID-19 crisis, more people will need to self-manage their abortions at home — whether out of caution to avoid contracting or spreading coronavirus in public, caregiving responsibilities that require them to be home, personal preference or cultural custom, the inability to pay for or travel to a clinic, or due to anti-abortion politicians blocking access to clinical care in their state. Here’s what the public, politicians, law enforcement officials, and medical providers need to know about self-managed abortion and the law.

What's different about self-managed abortion during the coronavirus crisis?

- “Self-managed abortion” means ending one’s own pregnancy, without a doctor or other healthcare provider. And, more people than usual likely need to self-manage abortion during the crisis — especially those who already face barriers to clinic-based abortion because of their age, immigration status, income level, geography, or other marginalized identities and experiences.
- During times of heightened societal fear, overzealous police, prosecutors, and anti-abortion politicians may — more than usual — rely on a racist, classist criminal legal system to punish people for their pregnancy outcomes.
- International postal delivery and transit across international borders may be slowed, interrupted, or suspended as countries around the world enact safety measures, affecting the distribution of abortion medication.

Self-managed abortion and the law

- Everywhere in the United States, people have the constitutional right to abortion, even during this crisis. Five states — Arizona, Oklahoma, South Carolina, Delaware, and Nevada — still retain laws that criminalize self-managed abortions, putting people at risk of prosecution even though such laws are unconstitutional.
- Even in states that have no such laws, politically-motivated police and prosecutors may try to misuse other criminal laws to target people who self-manage abortion.
- People targeted by police on suspicion of self-managing their abortions have the same rights as anyone else — to remain silent, to get a lawyer or have one appointed for them, to be protected from unlawful search and seizure, and to record their interactions with law enforcement.
- To date, no one has been prosecuted just for ordering abortion pills, obtaining a prescription online, or trying to get a prescription filled at a pharmacy. Nonetheless, evidence of having purchased abortion pills online has been used against people charged with other crimes related to self-managed abortion.
- The First Amendment protects all of our rights to share information about self-managed abortion. The law, however, does prohibit practicing certain professions — law and medicine — without a license. Telling people about their legal rights is constitutionally protected activity, while giving advice to a person about how the law applies to their particular circumstances could be considered practicing law. Medicine is similar — talking about health care and how medications work is constitutionally protected, but diagnosing a person and recommending a course of treatment could be considered practicing medicine.
Self-managed abortion with pills can be safe and effective so long as people have access to accurate information and confidential backup medical care in the event it’s needed.

People who self-manage their abortions have no legal obligation to disclose this to medical providers should they seek clinical care.

Medical providers have no obligation to report patients to the police for having possibly self-managed an abortion. In fact, medical providers may violate state and federal medical privacy laws if they do so.

Resources for people who self-manage abortion

- **If/When/How’s Repro Legal Helpline**: free, confidential legal support online or at 844-868-2812 for anyone who has been questioned by the authorities on suspicion of self-managing their abortion or supporting someone else to self-manage abortion, or who fears they will be questioned.
- **Miscarriage & Abortion Hotline**: Operated by doctors who can offer expert medical advice. Available online or at 1-833-246-2632.
- **SASS (Self-Managed Abortion; Safe and Supported)**: Supports the rights of people around the world to have information about and access to safe abortion with pills.
- **Plan C**: Information about abortion pills.

Public actions to decriminalize self-managed abortion

- Everyone can sign the petition to decriminalize self-managed abortion.
- Lawyers can sign our open letter from attorneys opposing the criminalization of self-managed abortion.
- Legal advocates and graduating law students can sign up for If/When/How’s volunteer RJ Lawyers Network to shield and defend people criminalized for ending their own pregnancies.