

Mandatory Delays & Counseling Laws

The facts

An extremely effective means of limiting access to abortion is through mandatory delays for an abortion and biased counseling. Currently 33 states require some form of biased counseling and/or mandatory delays. Mandatory delays require a person seeking an abortion to first make an appointment for an abortion then wait an additional 25-72 hours before actually having the procedure. In that time frame the person seeking the abortion must obtain "counseling." The counseling can be either a written booklet, given in person, and sometimes require visiting a crisis pregnancy center, which typically do not support abortion rights.

Depending on the state, the counseling can include any of the following information:

- The probable gestational age of the "unborn child" – often accompanied with photos of the fetus at varying stages of development and information regarding the possibility of survival outside the womb.
- A statement that the abortion will "terminate the life of a whole, separate, unique, living human being." Sometimes this statement is included in written form and other times the healthcare provider is compelled to make the statement verbally.
- A medically disputed statement that a fetus can feel pain at twenty weeks.
- A medically unsupported statement that having an abortion can lead to breast cancer.
- A warning that having an abortion can have negative emotional consequences without sharing that accessing an abortion can often lead to positive feelings like relief.
- If the pregnancy is medically complicated, then the person must be provided information about counseling and free hospice services. All designed to encourage someone to not have an abortion.
- Often the statement will include information meant to address financial concerns, such as the fact that the father has financial responsibility or that adoptive parents may pay for medical care.

Why it matters

Mandatory waiting periods place a huge barrier before people who are seeking an abortion. Due to restrictive abortion regulations in many states, there is often not a clinic within a reasonable and convenient distance. This means that someone who is seeking an abortion will have to either travel a significant distance again after the waiting period or pay for accommodations to stay near the clinic during the waiting period.

Why it matters

Waiting periods make it extremely difficult for people who are low income to get an abortion when they are ready. For some, particularly young people, it's just not possible to take an extra 24-72 hours away from their job, school, or family.

Biased Counseling is problematic for several reasons. First, biased counseling makes claims that are not based on sound medical research. Second, the counseling is designed to coerce someone out of having an abortion by providing exclusively negative information about abortion without including anything that is supportive of the decision to have an abortion.

What's happening in my state:

Alabama:

- 48 hour waiting period
- Counseling regarding the development of the fetus, the procedure, and possible emotional responses

California:

- There is a verbal description of the specific abortion procedure that will be performed on the patient. This is common for a medical procedure, whether or not involves abortion.

Georgia:

- 24 hour waiting period
- Written materials include a statement that a fetus is able to feel pain at twenty weeks
- Counseling regarding the development of the fetus, the procedure, and possible emotional responses

Kansas:

- 24 hour waiting period
- Mandatory counseling in Kansas states a possible link between abortion and breast cancer, describes a negative emotional response to having an abortion, states that the fetus is able to feel pain at twenty weeks, and requires a statement that personhood begins at conception.
- Counseling regarding the development of the fetus, the procedure, and possible emotional responses

What's happening in my state:

Ohio:

- 24 hour waiting period
- In person counseling requirement necessitates two trips to the clinic; first for the counseling and then again for the procedure
- Counseling regarding the development of the fetus, the procedure, and possible emotional responses

Texas:

- 24 hour waiting period
 - Written counseling materials report a link between breast cancer and abortion, a statement that the fetus can feel pain at twenty weeks, and a caution that abortion can lead to a negative emotional response
 - In person counseling necessitates two trips to the clinic because someone needs to first go to the clinic to receive the counseling and then wait 24 hours before the procedure. However, if someone lives more than 100 miles from the clinic there is only a two hour waiting period
 - Counseling regarding the development of the fetus, the procedure, and possible emotional responses
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Resources

[The Guttmacher Institute](#)