



# TEXAS

is one of 23 states receiving  
a failing grade

**WASHINGTON, D.C. —** The Population Institute released its ninth annual *50 State Report Card on Reproductive Health and Rights* today. It shows that there is still a large division between states that are prioritizing reproductive health and rights and those that are seeking to curtail access and rights. The U.S. again received a failing grade. While the election of Joe Biden and Kamala Harris portends good news for reproductive health and rights at the federal level, the reshaping of the federal judiciary by the Trump/Pence administration could prove disastrous for decades to come for reproductive health, rights and justice.

Jennie Wetter, the Institute’s director of public policy, said, “This year showed that nothing will stop “anti-choice” advocates from seeking to restrict access to reproductive health care. They sought in several states to use the pandemic as a pretext for denying access to abortion services by classifying it as nonessential health care. The Trump administration also sought to require, in the midst of a pandemic, that people seeking a medication abortion first see a doctor in person putting their health needlessly at risk. While courts blocked some of these and other attacks, opponents will keep trying. If they ultimately succeed, access to abortion, contraception, and other reproductive health services could be further curtailed.”

## METHODOLOGY

Using thirteen criteria, the Institute’s report card ranked each of the 50 states and the District of Columbia on four broad indicators relating to reproductive health and rights: effectiveness, prevention, affordability, and access. Based upon their composite scores (0-100), each state received a “core” grade (A, B, C, D or F), but some states received an additional “plus” or a “minus” for factors not reflected in the core grade.

## TEXAS’S GRADE

Texas received an “F” this year. Most notably, Texas received poor marks for:

Texas has decided not to expand their Medicaid program under the Affordable Care Act.

Texas has the following laws, which make it unnecessarily difficult for someone to have an abortion: abortion is prohibited after 20 weeks; the patient must undergo mandatory counseling including misinformation on link to breast cancer, fetal pain, negative psychological effects, and get an ultrasound where the provider is required to show and describe the image; there is a mandatory waiting period of 24 hours between counseling and procedure;

parental consent and notice is required; and clinicians who perform medication abortion procedures are required to be licensed physicians in the presence of the patient which by extension bans telemedicine.

Texas received a “minus” because of a law that prevents abortion providers from receiving family planning funding.

## STATE GRADES

Five states (California, Hawaii, New Jersey, Oregon, and Washington) received an “A” in this year’s report. Twenty-three states received a failing grade: Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

## THE NATIONAL GRADE

For the second year in a row, the U.S., as a whole, received an ‘F’. Several factors account for the failing grade, most notably:

### Title X

The Trump/Pence administration’s imposition of a “domestic gag rule,” which bars Title X clinics from counseling patients about abortion or referring them

to abortion services, has had a devastating impact on a program providing family planning services to 4 million households a year. Several states and providers, including Planned Parenthood, have opted out rather than abide by the new restrictions. As traditional and trusted family providers drop out, the Trump administration has been awarding Title X grants to “crisis pregnancy centers” run by staunch anti-abortion advocates, some of whom do not even provide contraceptive services to clients.

### Federal Courts

This year, after the death of Justice Ruth Bader Ginsburg, President Trump was able to appoint his third justice to the U.S. Supreme Court. With Amy Coney Barrett joining fellow Trump appointees Brett Kavanaugh and Neil Gorsuch on the bench it created a solid 6-3 conservative majority. Trump has also succeeded in stacking the lower federal courts. The U.S. Senate has confirmed over 200 Trump-nominated judges to the lower courts. In addition to restricting abortion rights, a more conservative federal judiciary could render rulings adversely affecting Title X, the coverage of contraception under the Affordable Care Act, and LGBTQ+ protections.

# TEXAS

## LOOKING AHEAD

In releasing this year's report card, Wetter warned that, "While the Biden/Harris administration will be able to change a number of policies put into place by the previous administration, not everything will be easily or quickly fixed. Taking advantage of the changes in the U.S. Supreme Court and the lower federal courts, opponents of reproductive health and rights will unleash a flurry of legal challenges to any legislative and regulatory changes. If successful, those challenges could set back progress on reproductive health, rights, and justice issues for decades to come. Unfortunately, the people most impacted will be underserved populations, including low income people, the Black community, other communities of color, young people, and the LGBTQ+ community."

## BREAKDOWN OF SCORES

# F- 42.5 / 100

### EFFECTIVENESS

#### Teen Pregnancy Rate 7.7 / 10

Texas has a teen pregnancy rate of 43 pregnancies per 1,000 women aged 15-19. We set 29 pregnancies per 1,000 teen women by 2025 as the goal, which indicates that Texas has achieved 76.6% of the objective.

#### Unintended Pregnancy Rate 7.3 / 10

42% of Texas's total pregnancies are unintended, compared to the objective of 30%. Thus, Texas has achieved 72.7% of the target rate.

### PREVENTION

#### Sex Education 12 / 15

Texas mandates sex education in public schools, covering abstinence and HIV prevention, and requires that sex education and HIV education include condoms and birth control.

#### Nurses Authorized to Dispense Medications 0 / 5

Clinical Nurse Specialists, Nurse Practitioners, and Nurse Midwives are not authorized to dispense medications including birth control and STI treatment.

#### Emergency Contraception in Emergency Room 2.5 / 5

Texas requires emergency rooms to provide information about emergency contraception, but does not require they dispense it on request to sexual assault victims.

#### Minors' Access to Contraception 0 / 5

Texas does not explicitly allow all minors to consent to contraceptive services.

### AFFORDABILITY

#### Medicaid Expansion 0 / 5

Texas has decided not to expand their Medicaid program under the Affordable Care Act.

#### Medicaid Family Planning Expansions 5 / 5

Texas offers Medicaid expansions to cover family planning services for people who otherwise do not qualify for Medicaid. The expansion, in the form of a waiver is offered to people with income levels up to 200% of the federal poverty line.

#### Insurance Coverage of Abortion 0 / 5

Texas restricts abortion coverage in private insurance plans by only allowing abortion coverage for cases of life endangerment or severe health impacts in all private health insurance plans including those sold on the insurance exchanges.

### ACCESS

#### Abortion Restrictions 0 / 10

Texas has the following laws, which make it unnecessarily difficult for someone to have an abortion: abortion is prohibited after 20 weeks; the patient must undergo mandatory counseling including misinformation on link to breast cancer, fetal pain, negative psychological effects, and get an ultrasound where the provider is required to show and describe the image; there is a mandatory waiting period of 24 hours between counseling and procedure; parental consent and notice is required; and clinicians who perform medication abortion procedures are required to be licensed physicians in the presence of the patient which by extension bans telemedicine.

#### TRAP Laws 0 / 5

Texas has enacted a series of TRAP laws which are targeted regulation of abortion providers beyond what is necessary to ensure patient safety.

#### Abortion Policy With Loss of Roe 5 / 5

Texas does not have policies in place that could ban abortion if Roe is struck down.

#### Abortion Access 3 / 5

43% of women in Texas live in a county without an abortion provider.

For the complete report card and additional information, please visit: [www.populationinstitute.org/reportcard](http://www.populationinstitute.org/reportcard)

A special thanks to the Guttmacher Institute whose research made this report card possible.

