



SB 10 Repeal Abortion Ban

Why Decriminalizing Abortion Is Good for New Mexico

Summary: **SB 10 Repeal Abortion Ban**, sponsored by Senators Linda Lopez and Peter Wirth, repeals a 1969 NM statute that makes it a 4th-degree felony for physicians to perform an abortion except in cases of rape, incest or likely birth defects, or to protect the life of the mother. The Supreme Court decision in *Roe v Wade* in 1973 made the state statute unenforceable, but with the current conservative majority on the Supreme Court, *Roe v Wade* is in real danger of being gutted. To protect New Mexico women's right to choose, repealing this outdated legislation is a high priority.

History: Rep. Joanne Ferrary introduced a bill to decriminalize abortion in 2017, but it never got out of committee. In 2018, Gov. Martinez refused to allow a bill to decriminalize abortion to be introduced. In 2019, HB 51 Decriminalize Abortion passed the House 40:29, passed the Senate Public Affairs and Senate Judicial Committees, but was killed in the Senate 18:24 when eight Senate Democrats joined with Republicans in voting NO. Six of those eight Senators will no longer be in office in 2021, and the Governor supports decriminalizing abortion, so this legislation is expected to pass this year.

Why This Bill Is Good for NM

- Respects NM women's right to choose to make this personal decision for themselves;
- Removes intrusive and unnecessary government interference in the lives of NM citizens;
- Prevents discrimination by people of some religions against people with different religious beliefs by forcing them to have unwanted children, a matter of religious freedom enshrined in the U.S. Constitution;
- Reduces maternal mortality rate (more women die from childbirth than from abortion);
- Supported by 77% of New Mexicans polled in January 2017.

Below are answers to some concerns raised by pro-life advocates in previous legislative hearings:

- **Claim: The legislation would legalize all kinds of abortion procedures in NM.**
Response: This legislation doesn't introduce or authorize new abortion procedures, it protects those already in place.
- **Claim: The legislation is unnecessary as *Roe v Wade* protects a woman's right to an abortion**
Response: This legislation is critical because if the Supreme Court *Roe v. Wade* decision is overturned, New Mexico's 1969 abortion criminalization bill would be operative, and then only in the most limited instances could a woman access an abortion procedure.
- **Claim: Abortion is a risky procedure that endangers women's lives.**
Response: A 2013 study published in the American Journal of Public Health found that abortion is one of the safest surgical procedures for women in the United States. Fewer than 0.05% of women obtaining abortions experience a complication.

Supporting Organizations: Planned Parenthood; ACLU; Respect NM Women

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Retake Our Democracy * P.O. Box 32464 * Santa Fe, NM * 87594
retakeourdemocracy.org * email: retakeresponse@gmail.com