

## Here's Looking at You, Kid: Ultrasound Requirements Before Abortions<sup>1</sup>

This IPRO report examines the cost and benefits of ultrasound requirements before abortions.

### Definitions

*Abortion Rate:* The number of abortions per 1,000 women aged 15-44.<sup>2</sup>

*Informed Consent:* The idea that a patient must have the capacity to make decisions about their medical care, they must make decisions voluntarily, and they must be provided with adequate information in order to intelligently consent to a medical procedure.<sup>3</sup>

*Ultrasound:* A medical procedure that uses high-frequency sound waves to produce images of structures inside the body.<sup>4</sup> During pregnancy physicians use ultrasounds to produce an image of the fetus, confirm gestational age, and detect anomalies.<sup>5</sup>

### Overview.

Thirty-five states require that women receive counseling prior to undergoing an abortion. Counseling varies among states but often includes a description of the abortion procedure and information about fetal development such as the gestational age of the fetus.<sup>6</sup> Among states with mandatory counseling, some have passed legislation making ultrasounds a component of counseling. Some states with ultrasound provisions in their counseling policies require that patients be given information about accessing ultrasound services while others require that women seeking abortions actually undergo an ultrasound before receiving an abortion.

The Guttmacher Institute reports that:<sup>7</sup>

- Six states require physicians to perform an ultrasound before every abortion. In addition, two states have laws requiring ultrasounds before abortions that are currently unenforceable until a court decision.
- Five states require that physicians offer to perform an ultrasound.
- Nine states require that if physicians perform an ultrasound as part of regular preparation for an abortion, they must offer the patient the opportunity to view the image.
- Nine states require that counseling prior to abortions incorporates information on accessing ultrasounds.

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<sup>2</sup> Guis, Mark. "The Impact of Ultrasound Laws on the Demand for Abortions by Young Women." *Journal of Applied Business and Economics* vol 12(5) 2011.

<sup>3</sup> Gold, Rachel Benson and Elizabeth Nash. "State Abortion Counseling Policies and the Fundamental Principles of Informed Consent." *Guttmacher Policy Review*.

<sup>4</sup> "Ultrasound." U.S. National Library of Medicine. Web. 25 Nov. 2011 <<http://www.nlm.nih.gov/medlineplus/ultrasound.html>>.

<sup>5</sup> "Prenatal Care." Planned Parenthood. Web. 25 Nov. 2011 <<http://www.plannedparenthood.org/health-topics/pregnancy/prenatal-care>>.

<sup>6</sup> "State Policies in Brief: Counseling and Waiting Periods for Abortion." Guttmacher Institute. Nov. 2011. Web. 24 Nov. 2011. <[http://www.guttmacher.org/statecenter/spibs/spib\\_MWPA.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MWPA.pdf)>.

<sup>7</sup> "State Policies in Brief: Requirements for Ultrasound." Guttmacher Institute. Nov. 2011. Web. 24 Nov. 2011. <[http://www.guttmacher.org/statecenter/spibs/spib\\_RFU.pdf](http://www.guttmacher.org/statecenter/spibs/spib_RFU.pdf)>.

## Costs and Benefits of Ultrasound Requirements

### *Costs*

#### Privacy

In 2008, an Oklahoma advocacy group sued the state over a law that prohibits a woman from having an abortion unless she first has an ultrasound and the doctor describes what the fetus looks like. The lawsuit came on the grounds that the law intrudes on the individual's privacy, assaults their dignity, and endangers health. The law remains unenforced pending a court decision.<sup>8</sup>

#### Ineffective

Ultrasounds play a very small role in changing a woman's mind on getting an abortion. A study conducted in British Columbia concluded that laws forcing women to receive an ultrasound prior to an abortion do not change the woman's mind and can reassure the woman that she is making the right choice as the fetus does not usually show human characteristics at the time of the ultrasound.<sup>9</sup> The study found that 72.6 percent of women chose to view an ultrasound image when asked and 86.3 percent of the women who viewed an ultrasound thought it was a positive experience. None of the participants in the study changed their mind about having an abortion after seeing the ultrasound image.<sup>10</sup>

#### Price of Ultrasound

The cost of an ultrasound varies widely (from \$100 to \$1,000) depending on the healthcare facility and type of ultrasound performed. Ultrasounds at stand alone ultrasound facilities, which are not associated with hospitals, normally cost between \$99 and \$300. An ultrasound performed at a hospital may cost \$200 to \$1,000. Depending on a state's procedure for paying for required ultrasounds, it may become very costly for taxpayers.<sup>11</sup> Using the lowest and highest approximate ultrasound costs and the number of abortions performed in Iowa in 2008, requiring ultrasounds before abortions could cost Iowa between \$659,000 and \$6.6 million.<sup>12, 13</sup>

#### Unnecessary Procedure

Laws mandating that physicians perform ultrasounds before all abortions mean providers must perform ultrasounds even if they are medically unnecessary. The National Abortion Federation, which established standards for abortion providers, does not require physicians to perform ultrasounds in the first trimester of pregnancy when 88 percent of abortions occur.<sup>14, 15</sup>

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<sup>8</sup> "Oklahoma Is Sued Over Required Ultrasounds for Abortions." *The Associated Press*. 10 Oct. 2008. Web. 25 Nov. 2011. <<http://www.nytimes.com/2008/10/11/us/11abort.html>>.

<sup>9</sup> Wiebe, Ellen R., Lisa Adams. April 2009. "Women's Perceptions about Seeing the Ultrasound Picture Before an Abortion." *The European Journal of Contraception and Reproductive Health Care* 14(2):97-102.

<sup>10</sup> Ibid.

<sup>11</sup> "Ultrasound Costs and Pricing Information." Web. 04 Dec. 2011. <<http://www.compareultrasoundcost.com/>>.

<sup>12</sup>  $6,660 * 99 = 659,340$ ;  $6,660 * 1,000 = 6,660,000$

<sup>13</sup> "State Facts About Abortion: Iowa." *Guttmacher Institute*. Web. 14 Dec. 2011.

<<http://www.guttmacher.org/pubs/sfaa/iowa.html>>.

<sup>14</sup> Sack, Kevin. "In Ultrasound, Abortion Fight Has New Front." *The New York Times - Breaking News, World News & Multimedia*. 27 May 2010. Web. 14 Dec. 2011.

<<http://www.nytimes.com/2010/05/28/health/policy/28ultrasound.html>>.

<sup>15</sup> "Women Who Have Abortions." National Abortion Federation. Web. 4 Dec. 2011.

<[http://www.prochoice.org/about\\_abortion/facts/women\\_who.html](http://www.prochoice.org/about_abortion/facts/women_who.html)>.

## *Benefits*

### *Freedom to Look*

Women do not have to look at the ultrasound in any state; it must be performed where required. This leaves the choice to the women, but still presents her the opportunity to view the ultrasound image.<sup>16</sup>

### *Informed Consent*

States often have abortion-specific informed consent policies, and ultrasound provisions are extensions of these requirements. Supporters of ultrasound legislation argue that ultrasounds are necessary for a patient to be fully informed about her decision to have an abortion.<sup>17</sup>

### *Less Abortions?*

Pro-life groups argue that viewing an ultrasound image makes women significantly less likely to have an abortion, but there are relatively few studies on the impact of ultrasounds on a woman's decision. A study appearing in the *Journal of Applied Business and Economics* found that a woman is four times as likely to have an abortion in a state without an ultrasound requirement as a woman in a state that has any kind of ultrasound requirement. The author cautioned that the results may reflect other characteristics of a state's population that affect abortion demand meaning that particular states may have fewer abortions regardless of ultrasound requirements.<sup>18</sup>

## **State Action**

### *Alabama*

In 2002, Alabama passed the first legislation requiring abortion providers to perform an ultrasound and offer the woman the opportunity to view the image. The Women's Right to Know Act<sup>19</sup> stated that a woman's consent to an abortion is voluntary and informed only if she has received informational counseling at least 24 hours before an abortion and has undergone an ultrasound. The woman must complete a form affirming that they either saw an ultrasound image or were offered the opportunity but refused. Lawmakers stated that the purpose of the law was to ensure that a woman received complete information about an abortion procedure so that her decision is made with full knowledge of the consequences, risks, and alternatives.<sup>20</sup>

### *North Carolina*

In July 2011, North Carolina passed a law requiring that a woman must receive counseling at least 24 hours before an abortion. The legislation details the information she must be given and included a

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<sup>16</sup> "State Facts About Abortion: Iowa." *Guttmacher Institute*. Web. 14 Dec. 2011. <<http://www.guttmacher.org/pubs/sfaa/iowa.html>>.

<sup>17</sup> Gold, Rachel Benson, Elizabeth Nash. "State Abortion Counseling Policies and the Fundamental Principles of Informed Consent." *Guttmacher Policy Review*. Web. 25 Nov. 2011. <<http://www.guttmacher.org/pubs/gpr/10/4/gpr100406.html>>.

<sup>18</sup> Guis, Mark. "The Impact of Ultrasound Laws on the Demand for Abortions by Young Women." *Journal of Applied Business and Economics* 12(5) 2011.

<sup>19</sup> Woman's Right to Know Act, Alabama Code § 26-23A-4.

<sup>20</sup> Sanger, Carol. "Seeing and Believing: Mandatory Ultrasound and the Path to a Protected Choice." *UCLA Law Review* 351(2008).

provision requiring the woman to undergo an ultrasound.<sup>21</sup> The law mandated that abortion providers must show and describe the ultrasound image to the woman and offer the chance to hear the heartbeat.<sup>22</sup>

A United States North Carolina Middle District judge blocked the ultrasound provision of the law in October 2011. Lawmakers had argued that the legislation would reduce the risk of coerced abortions, promote childbirth, and protect women from emotional distress. Abortion providers and abortion-rights groups, who challenged the law, argued that it would cause women emotional pain and violate physicians' ethics. The judge issued a temporary injunction on the ultrasound requirement, while the rest of the legislation which established counseling requirements and waiting periods is still in effect.<sup>23</sup>

### *Iowa*

Iowa does not currently have a law requiring a woman to view an ultrasound before an abortion is performed nor is there a law requiring counseling. Iowa does offer state funding for women who require an abortion due to life endangerment, rape, incest, and fetal abnormality.<sup>24</sup>

## **Data Analysis**

Our data analysis examines the effect of ultrasound and counseling requirements on abortion rates over a ten year period from 2001-2011. We separated ultrasound laws into two categories depending on whether ultrasounds must be performed before every abortion or are optional. Our analysis includes state abortion rate data from the Guttmacher Institute in the years 2004, 2006, 2007, and 2008. We include 2000 Census data and the percent of a state that voted for President Obama in the 2008 election in order to control for possible factors affecting abortion rates (e.g. demographics and conservative political attitudes).

- Overall, abortion rates did not change significantly in the period under analysis (see Figure 1).
- When examining all three forms of requirements (i.e. required ultrasounds, optional ultrasounds, and mandatory counseling), ultrasounds have not affected the abortion rate over the 10-year period when looking at required ultrasounds, optional ultrasounds, and counseling collectively. Mandatory counseling does have a significant effect on abortion rates when controlling for ultrasounds. Required counseling decreased abortions by 2.6 abortions per 1,000 women (see Table 1).
- When examining the effect of optional ultrasound laws only, optional ultrasound laws do affect abortion rates. Optional ultrasounds led to 2.2 fewer abortions per 1,000 women (see Table 2).
- When looking at the effect of required ultrasounds only, required ultrasounds did not affect abortion rates.
- Our abortion rate data is incomplete, and greater than 10 years of data may be needed for further analysis. For instance, Alabama required ultrasounds beginning in 2002 and our data may not capture effects of that legislation. Several states enacted ultrasound requirements after 2008,

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<sup>21</sup> "Monthly State Update: Major Developments in 2011." Guttmacher State Center. Nov. 2011. Web. 24 Nov. 2011. <<http://www.guttmacher.org/statecenter/updates/index.html>>.

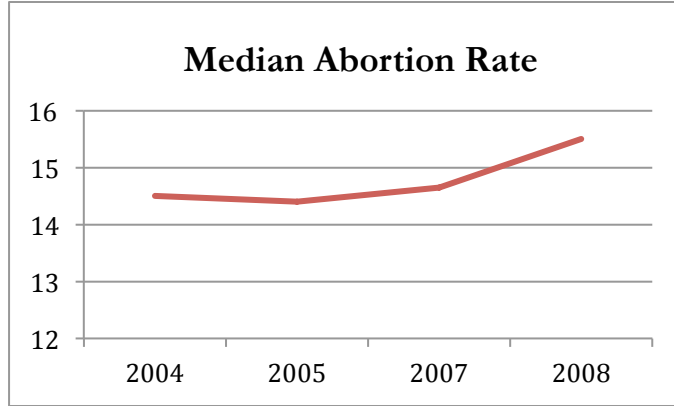
<sup>22</sup> Mak, Tim. "Judge Halts Fetus 'Heartbeat' Law." *Politico*. 26 Oct. 2011. Web. 25 Nov. 2011. <<http://www.politico.com/news/stories/1011/66875.html>>.

<sup>23</sup> Robertson, Gary D. "Ultrasound Viewing Part of NC Abortion Law Blocked." *Associated Press*. 25 Nov. 2011.

<sup>24</sup> "Abortion Laws." NCSL Home. Web. 25 Nov. 2011. <<http://www.ncsl.org/default.aspx?tabid=14401>>.

and our abortion rate data does not allow analysis of the effects of recently enacted requirements.

**Figure 1**  
Median Abortion Rate 2004 -2008



**Table 1**  
Abortion Rate Regression When Ultrasound is Required,  
Ultrasound is Optional, and Counseling is Mandatory

Independent Variable	Coefficient	t	P >  t
Ultrasound Required	-1.75	-0.89	0.375
Ultrasound Optional	-1.43	-1.37	0.173
Mandatory Counseling	-2.64	-3.44	0.001
Percent Urban Population	0.26	10.67	0.000
Percent Black Population	0.26	6.75	0.000
Percent Voted Obama 2008	0.33	7.89	0.000
Year	0.13	0.61	0.543

Probability > F = 0.000

R-squared = 0.7095

Adjusted R-squared = 0.6989

**Table 2**  
Abortion Rate Regression when Ultrasound is Optional

<b>Independent Variable</b>	<b>Coefficient</b>	<b>t</b>	<b>P &gt;  t </b>
Ultrasound Optional	-2.22	-2.25	0.026
Percent Urban Population	0.26	10.53	0.000
Percent Black Population	0.23	6.59	0.000
Percent Voted Obama 2008	0.39	10.00	0.000
Year	0.11	0.55	0.585

Probability > F = 0.0000

R-squared = 0.6890

Adjusted R-squared = 0.6810

This report was prepared in December 2011 by the Iowa Policy Research Organization (IPRO), a non-partisan public policy undergraduate group at the University of Iowa. For additional research on this or other issues, please visit our website at <http://www.uiowa.edu/~ipro/> or contact [rene-rocha@uiowa.edu](mailto:rene-rocha@uiowa.edu).