

MISSING PIECES: GAPS IN ABORTION CARE CREATE  
A HUMAN RIGHTS CRISIS

## rePROs Fight Back's Annual Report Card Highlights the Lack of Sexual and Reproductive Freedom: U.S. Gets an "F"



**DELAWARE** is one of 9 states  
receiving a "C"

Washington, D.C.—Today, rePROs Fight Back released the *50 State Report Card on Sexual and Reproductive Health and Rights*. The annual report card tracks multiple indicators of sexual and reproductive health and rights, including access to family planning, sex education, abortion services, and gender-affirming care. In the two years since the U.S. Supreme Court overturned *Roe v. Wade*, states have continued to ban or severely restrict access to abortion care and we have seen an uptick in attacks on gender-affirming care, particularly for young people. Due to this ongoing human rights crisis, the U.S. as a whole received a failing grade.

Jennie Wetter, Director of rePROs Fight Back, said, "The impacts of overturning *Roe* have been enormous and far-ranging. In 16 states, people are now forced to make hard choices: do they travel, if they are able, to access basic health care? Do they expose themselves to legal risk by self-managing their abortion? Or do they carry an unwanted pregnancy to term, which, in a country with high maternal mortality, isn't without its own risk—especially for Black women?\*" It's important to note that marginalized communities are already feeling this loss of abortion rights most acutely; BIPOC, people with low-incomes, young people, those with disabilities, the LGBTQ+ community, and those at multiple intersections of these identities are the most impacted."



\*rePROs Fight Back (rePROs) intentionally uses the term "women" when describing data that did not include nonbinary people or transgender men in the research. Otherwise, rePROs is committed to using gender-inclusive language to represent all individuals who deserve full access to sexual and reproductive health services.

**Delaware's Grade: Delaware received an "C-" this year. Most notably, Delaware received poor marks because:**

**Delaware** bans abortion at fetal viability and requires parental notice before a minor may obtain an abortion.

**Delaware** currently does not offer an expansion for family planning services to the Medicaid plan.

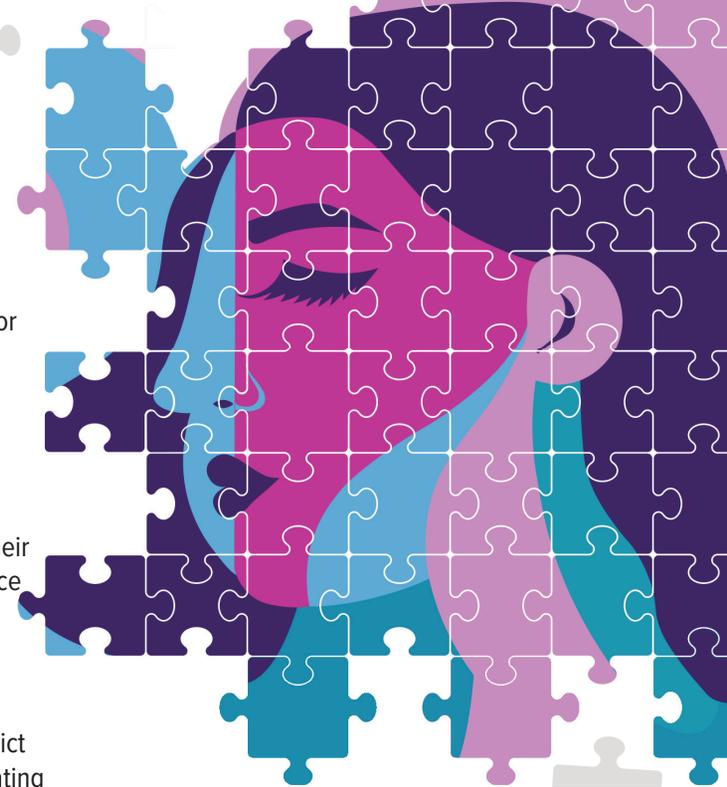
**Delaware** was given "minus" because their 'Choose Life' license plates fund anti-choice organizations/Crisis Pregnancy Centers.

### Methodology

Using 11 criteria, the rePROs report card ranked each of the 50 states and the District of Columbia on three broad indicators relating to reproductive health and rights: prevention, affordability, and access. The criteria include elements of reproductive health such as: sex education, minors' access to birth control, access to emergency contraception in the emergency room, Medicaid expansion—including family planning expansion—abortion policy, and more. Based on their composite scores of 0-100, each state received a "core" grade of "A", "B", "C", "D", or "F". Some states received an additional "plus" or "minus" for factors not reflected in the core grade.

### State Grades

Five states received an "A" in this year's report: California, New Jersey, New Mexico, Oregon, and Vermont. Twenty-five states received a failing grade: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Ohio,



Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

### The National Grade

For the fifth year in a row, the U.S., as a whole, received an "F". The fallout from the decision in *Dobbs v. Jackson Women's Health Organization* and the ongoing assault on gender-affirming care were the major reasons for this grade.

### Fallout from *Dobbs*

In the nearly two years since the Supreme Court eliminated the federal right to abortion, 16 states have completely or almost completely banned abortion care. People who live in states where abortion is banned are forced to either travel to access abortion care (according to the Guttmacher Institute, 1 in 5 abortion patients are traveling out of state), expose themselves

to legal risk by self-managing, or carry the pregnancy to term. This situation is a gross violation of human rights and strikes a blow to individual agency, bodily autonomy, and equitable access to health care.

### Gender-Affirming Care

Anti-rights advocates have turned their attention to banning best practice medication and surgical gendering-affirming care for transgender youth. As of the release of this report card, 22 states have banned best practice medication and surgical gender-affirming care for transgender youth, though the ban

is not in effect in five states due to court orders. Gender-affirming care is lifesaving health care; banning access to it can have major impacts on the health, including mental health, of transgender youth.

### Looking Ahead

In releasing this year's report card, Wetter warned that, "attacks on sexual and reproductive rights are not slowing down. At the state level, abortion and gender-affirming care are still under assault. This year alone the Supreme Court will hear two cases that will further impact access to abortion care. All of this is occurring

while we are still dealing with the fallout from the *Dobbs* decision, which is preventing people from accessing abortion care where they live. Unfortunately, states are not just failing when it comes to abortion; many are also failing on sex education, youth access to birth control, gender-affirming care and more. Until we fill in these missing puzzle pieces, we will never achieve a world with sexual and reproductive freedom. To get there, we must fight at every level to stop this human rights crisis in its tracks."

## DELAWARE | BREAKDOWN OF SCORES | C- 67 / 100

### Prevention

#### Sex Education 15 / 20

Delaware mandates comprehensive sex education in public schools, covering abstinence, HIV prevention, as well as different methods of contraception. It also requires sex education be LGBTQ+ inclusive and include information on healthy relationships, consent, and dating and sexual violence prevention.

#### Access to Emergency Contraception 0 / 5

Delaware has no laws affirming a sexual assault victim's right to emergency contraception in the emergency room.

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

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

### Affordability

#### Medicaid Expansion 15 / 15

Delaware has expanded their Medicaid program, which includes maternal and reproductive health care, under the Affordable Care Act.

#### Medicaid Family Planning Expansions 0 / 10

Delaware currently does not offer an expansion for family planning services to the Medicaid plan.

#### Medicaid Maternal Health Expansion 5 / 5

Delaware has expanded their Medicaid postpartum coverage to 12 months.

#### Insurance Coverage of Abortion 5 / 5

Delaware does not restrict coverage of abortion in private insurance plans.

### Access

#### Abortion Restrictions 7 / 15

Delaware bans abortion at fetal viability and requires parental notice before a minor may obtain an abortion.

#### TRAP Laws 5 / 5

Delaware has not enacted TRAP Laws which are targeted regulation of abortion providers beyond what is necessary to ensure patient safety.

#### Medication Abortion 5 / 5

Delaware currently does not have laws enacted that make it unnecessarily difficult for someone to access medication abortion.

#### Gender-Affirming Care Restrictions 10 / 10

Delaware does not ban the best practice medical care for transgender youth.



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

A special thanks to the Guttmacher Institute whose research made this report card possible. rePROs Fight Back is an initiative of the Population Institute.

