

**The Potential Impact of the *Dobbs* Decision on Behavioral Health in Philadelphia:
Increased Trauma, Increased Inequity, and Future Considerations**

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Legal Context

For just shy of 50 years, the ability of individuals who are pregnant to decide to terminate their pregnancy—otherwise known as abortion—was protected as a “fundamental” right under the Due Process Clause of the Fourteenth Amendment.ⁱ However, the Supreme Court’s June 2022 decision in *Dobbs v. Jackson Women’s Health Organization* stripped abortion of its status as a fundamental right, effectively returning power back to the states to decide how/if—and under what conditions/regulations—abortion can be made available to individuals who are pregnant.ⁱⁱ

In the aftermath of *Dobbs*, the Biden Administration expressed support for preserving access to abortion. President Biden issued Executive Orders in July 2022 and August 2022 seeking to safeguard access to reproductive health services.ⁱⁱⁱ Secretary Xavier Becerra of the U.S. Department of Health and Human Services published a letter clarifying that providers are protected under federal law when providing abortions as emergency medical care, and that the Emergency Medical Treatment and Active Labor Act preempts state law.^{iv} Attorney General Merrick Garland announced that the Department of Justice would protect both healthcare providers and individuals seeking abortions via the Freedom of Access to Clinic Entrances Act,^v which makes it a federal crime to physically obstruct entrances to abortion clinics or otherwise interfere with and/or intimidate abortion seekers.^{vi} Further, in July 2022 federal lawmakers attempted to pass legislation protecting access to abortion, though both proposed bills ultimately failed to pass.^{vii}

Currently, Pennsylvania state law allows for access to abortion under the Abortion Control Act of 1982.^{viii} Access to an abortion is available up to 24 weeks into pregnancy, though an abortion can be provided after 24 weeks in the event of a medical emergency necessitating pregnancy termination. However, there have been several recent efforts in the Pennsylvania General Assembly to pass anti-abortion legislation, with Governor Tom Wolf stymying these efforts via veto.^{ix} Additionally, Governor Wolf issued an Executive Order on July 12, 2022 announcing that Pennsylvania would decline any request received from another state to prosecute either an abortion provider or recipient for abortions performed in Pennsylvania, helping to protect individuals from out-of-state who seek abortion services in Pennsylvania.^x

Access to abortion is currently protected in Pennsylvania, despite recent legislative attempts to undermine this protection. On July 8, 2022, Senate Bill 106 passed in both chambers of Pennsylvania’s General Assembly.^{xi} Senate Bill 106 proposes adding language to the Pennsylvania Constitution indicating that there is no right to an abortion, nor is there a right to public funding of abortions. In effect, this would clear a path for the Pennsylvania General Assembly to pass laws regulating abortion that could not be challenged in court as violating the Pennsylvania Constitution.^{xii} In order to for this language to be added to the Pennsylvania Constitution, Senate Bill 106 would need to pass the General Assembly again during the next legislative session and would then be included as a ballot-question referendum for voters in the following election. If approved by a majority of voters, the measure would pass as a constitutional amendment.^{xiii} However, given the results of the 2022 elections, with Democratic Attorney General Josh Shapiro prevailing over Republican state senator Doug Mastriano in the race for governor and the Democrats potentially securing a majority of seats in the state House of Representatives, it is highly unlikely that Senate Bill 106 will pass in the upcoming legislative session and nearly impossible that any restrictions on abortion access will be signed into law.

Even so, shifting sands still have the potential to undermine access to abortion in Pennsylvania in the next few years. In the event that this does happen, Pennsylvanians—particularly those facing behavioral health challenges—might be significantly impacted, leading to increased trauma exposure and increased inequity. The potential public health impact of the *Dobbs* decision is explored below.

Potential Public Behavioral Health Impact

The City of Philadelphia Department of Behavioral Health and Intellectual disAbility Services (DBHIDS) recognizes the decision in *Dobbs v. Jackson Women's Health Organization* could have profound implications regarding its ability to address the widespread trauma affecting the everyday lives of Philadelphians, especially those marginalized communities the department strives to serve. A major concern of the department is how the *Dobbs* decision could impact behavioral health in the city, and how the City would rise to meet potential future challenges in this area.

The American Psychological Association (APA) notes the results of recent studies that illustrate the dramatic consequences of limiting access to abortions. Research from the University of California, San Francisco, shows that denying individuals who are pregnant an abortion results in a significant decrease in quality of life, including increased instances of anxiety, stress, and low self-esteem, as well as poorer physical health outcomes, especially increased maternal mortality.^{xiv} In addition, children born to those denied an abortion suffer from lower quality of life. A June 2022 APA article noted that “Children born in such circumstances face a range of social, emotional, and mental health problems that continue into adulthood, including more psychiatric hospitalizations than their siblings or other children of planned pregnancies.”^{xv}

These behavioral health impacts will exacerbate individuals’ existing traumas, especially in vulnerable populations such as low-income individuals, people of color, and those struggling with substance use disorder (SUD). A 2006 paper published in the journal *Perspectives on Sexual and Reproductive Health* noted that substance use results in more instances of unplanned pregnancies and abortions when compared to those who do not use substances.^{xvi} The additional trauma of an unwanted pregnancy can have detrimental impacts on those living with SUD or pursuing recovery.

Limiting access to abortion can have community-wide traumatic impacts as well. A theory first popularized by the 2005 book *Freakonomics* by Stephen J. Dubner and Steven Levitt has been confirmed by a 2019 study at the University of Chicago: access to abortions leads to lower crime rates over time. Per this study, coauthored by Levitt: “The theory motivating that analysis is simple: decades of social scientific research have demonstrated that unwanted children are at an elevated risk for less favorable life outcomes on multiple dimensions including criminal involvement, and the legalization of abortion appears to have dramatically reduced the number of unwanted births. Levitt’s data showed that “[the] cumulative impact of legalized abortion on crime is roughly 45%, accounting for a very substantial portion of the roughly 50-55% overall decline from the peak of crime in the early 1990s.”^{xvii}

The *Dobbs* decision will also have tangible impacts on the department’s efforts to address inequities in the city. Several media outlets (including the New York Times^{xviii}, the New Yorker^{xix}, PBS^{xx}, and NPR^{xxi}), have highlighted what the empirical evidence establishes: “those living in poverty, people of color..., sexual and gender minorities, and young people...are likely to be hardest hit by abortion bans.”^{xxii} This is alarming in a city where, according to the U.S. Census Bureau, almost one-fifth of individuals live in poverty and almost two-thirds are people of color.

Data from the Pennsylvania Department of Health^{xxiii} further illustrates the situation; in 2020, 66.37% of abortions performed in Philadelphia were to individuals aged 29 or younger. While specific demographic data for the City is not readily available, in 2020 over half of all abortions performed in Pennsylvania were to non-white individuals. Of these 32,123 abortions performed in Pennsylvania in 2020, 11,301 (or, roughly 35.2%) were performed in Philadelphia. Any potential statewide abortion restrictions would disproportionately impact residents of the City, further exacerbating health disparities among BIPOC Philadelphians.

While the City, and DBHIDS in particular, has gone to great lengths to emphasize achieving equity as a guiding value in its work, the infrastructure of care to address potential restrictions on abortion would need to be significantly developed. The Abortion Liberation Fund of Pennsylvania currently faces challenges in supporting individuals seeking their services; a potential increase in individuals seeking abortions in Pennsylvania from nearby restrictive states like Ohio will further exacerbate these challenges.^{xxiv} Additional statewide restrictions would financially destabilize the Abortion Liberation Fund's efforts as Pennsylvanians would have to travel to nearby permissive states like New Jersey and New York for abortion services.

The *Dobbs* decision creates another layer of inequity in a maternal health system with significant disparities particularly for black individuals. A 2021 study published in the American Journal of Public Health using data from 2016-2017 found "[the] maternal mortality rate for non-Hispanic Black women was 3.55 times that for non-Hispanic White women."^{xxv} Should a ban on abortion be implemented, black individuals would experience a 33% increase in maternal mortality, according to a 2021 study from Duke University.^{xxvi}

Looking Ahead: Future Considerations

While the state of abortion access in Pennsylvania is safe in the short-term future, it would greatly behoove the City to continue to work toward addressing existing inequities that are embedded in the maternal and behavioral health care systems in Philadelphia. The post-*Roe* world provides a real opportunity to proactively improve our infrastructure of care, and any effort to address existing inequities will go a long way in absorbing the setback of potential future statewide abortion restrictions.

Additionally, the City should be mindful of the impacts that the *Dobbs* decision has already had in the neighboring states of Ohio and West Virginia, where a 6-week fetal heartbeat abortion ban and a total abortion ban have gone into effect, respectively. While these states sit closer in proximity to Pittsburgh, it is not unlikely that people seeking abortions in those states, with the means, would travel to Philadelphia if needed. Furthermore, an increase in individuals travelling to Pittsburgh could overwhelm clinics and force people in Western Pennsylvania to seek abortions in Philadelphia, which could then overwhelm local clinics, thereby limiting access for local residents.

Finally, DBHIDS and the City as a whole, could support its residents through further education and information sharing. Individuals with lived experience can be a key source of support in this effort. Encouraging and empowering these individuals to share their stories and speak to how the system could be better designed to meet their needs and remove existing barriers to access is an important piece of the conversation.

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- ⁱ See *Roe v. Wade*, 410 U.S. 113 (1973); see also *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).
- ⁱⁱ See *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ___ (2022).
- ⁱⁱⁱ <https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/08/fact-sheet-president-biden-to-sign-executive-order-protecting-access-to-reproductive-health-care-services/>;
<https://www.whitehouse.gov/briefing-room/presidential-actions/2022/08/03/executive-order-on-securing-access-to-reproductive-and-other-healthcare-services/>
- ^{iv} <https://www.hhs.gov/sites/default/files/emergency-medical-care-letter-to-health-care-providers.pdf>
- ^v <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-statement-supreme-court-ruling-dobbs-v-jackson-women>
s#:~:text=%E2%80%9CThe%20Justice%20Department%20will%20use,civil%20rights%20of%20all%20Americans.%E2%80%9D
- ^{vi} [https://www.mtsu.edu/first-amendment/article/1080/freedom-of-access-to-clinic-entrances-act-of-1994#:~:text=the%20Associated%20Press\)-,The%20Freedom%20of%20Access%20to%20Clinic%20Entrances%20Act%20of%201994,seeking%20abortions%20or%20other%20reproductive](https://www.mtsu.edu/first-amendment/article/1080/freedom-of-access-to-clinic-entrances-act-of-1994#:~:text=the%20Associated%20Press)-,The%20Freedom%20of%20Access%20to%20Clinic%20Entrances%20Act%20of%201994,seeking%20abortions%20or%20other%20reproductive)
- ^{vii} <https://www.nytimes.com/2022/07/15/us/politics/house-passes-abortion-access-bills.html>
- ^{viii} Pa. Cons. Stat. Title 18 § 32.
- ^{ix} <https://www.governor.pa.gov/newsroom/gov-wolf-vows-to-veto-proposed-anti-abortion-legislation-asks-general-assembly-to-focus-on-solutions-to-support-children-and-families/>
- ^x <https://www.governor.pa.gov/newsroom/gov-wolf-signs-executive-order-ensuring-access-and-protections-to-reproductive-health-care-services-to-health-care-providers-and-out-of-state-residents/#:~:text=Governor%20Tom%20Wolf%20signed%20Executive,care%20services%20in%20the%20commonwealth>
- ^{xi} <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=106>
- ^{xii} <https://why.org/articles/pennsylvania-house-senate-constitutional-amendment-abortion-gop/>
- ^{xiii} <https://why.org/articles/a-complete-guide-and-amendment-tracker-for-proposed-changes-to-pa-s-constitution/>
- ^{xiv} https://www.apa.org/monitor/2022/09/news-facts-abortion-mental-health?utm_source=linkedin&utm_medium=social&utm_campaign=apa-monitor-abortion&utm_content=facts-abortion-mental-health
- ^{xv} https://www.apa.org/monitor/2022/09/news-facts-abortion-mental-health?utm_source=linkedin&utm_medium=social&utm_campaign=apa-monitor-abortion&utm_content=facts-abortion-mental-health
- ^{xvi} <https://www.guttmacher.org/journals/psrh/2006/exploring-link-between-substance-use-and-abortion-roles-unconventionality>
- ^{xvii} https://bfi.uchicago.edu/wp-content/uploads/BFI_WP_201975.pdf
- ^{xviii} <https://www.nytimes.com/interactive/2021/12/14/upshot/who-gets-abortions-in-america.html>
- ^{xix} <https://www.newyorker.com/business/currency/the-devastating-economic-impacts-of-an-abortion-ban>
- ^{xx} <https://www.pbs.org/newshour/nation/black-and-hispanic-people-have-the-most-to-lose-if-roe-is-overturned>
- ^{xxi} <https://why.org/articles/scotus-roe-overturned-abortion-rights-delaware-valley-advocates-ramifications/>
- ^{xxii} https://www.apa.org/monitor/2022/09/news-facts-abortion-mental-health?utm_source=linkedin&utm_medium=social&utm_campaign=apa-monitor-abortion&utm_content=facts-abortion-mental-health
- ^{xxiii} https://www.health.pa.gov/topics/HealthStatistics/VitalStatistics/Documents/Pennsylvania_Annual_Abortion_Report_2020.pdf
- ^{xxiv} <https://why.org/articles/scotus-roe-overturned-abortion-rights-delaware-valley-advocates-ramifications/>
- ^{xxv} <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2021.306375>
- ^{xxvi} <https://fivethirtyeight.com/features/why-abortion-is-a-civil-rights-issue-for-black-voters/>