

FAQ: Abortion Rights Today

What LGBTQ+ People Should Know

June 28, 2022

On June 24, 2022, the U.S. Supreme Court issued its decision in *Dobbs v. Jackson Women's Health Organization* and overturned *Roe v. Wade* and *Planned Parenthood v. Casey*, cases that affirmed the right to access abortion.

The impact of this decision will deeply impact the LGBTQ+ community as lesbian and bisexual women, transgender men, two-spirit, intersex, and nonbinary and gender non-conforming people want, need, and receive abortions. According to the Guttmacher Institute, bisexual, nonbinary, and transgender people are more likely than their heterosexual peers to seek an abortion.

Numerous factors explain LGBTQ+ people's disparate need for abortion, such as the link between poverty and lack of access to contraception and abortion rates; the lack of comprehensive and inclusive sex education in schools, which puts LGBTQ+ youth at risk of unintended pregnancies; and how LGBTQ+ young people—particularly queer and transgender youth who disproportionately experience homelessness and housing insecurity—may engage in survival sex resulting in an unplanned pregnancy and/or sexual assault.

As we recommit to securing abortion rights and access in the United States, we emphasize that abortion bans both reflect and reinforce deeply harmful stereotypes about women, and the relative value attached to women's lives. We also stress that such bans impact not only cisgender heterosexual women, but LGBTQ+ people, too, depriving everyone who needs an abortion of dignity, autonomy over one's own body, and the ability to make fundamental decisions that determine the course of a person's life, such as the structure of one's family, and the ability to secure an educational and economic future.

Interested in learning more? Here are some frequently asked questions about abortion access and how the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health* can impact your ability to access this critical health care.

What happened at the U.S. Supreme Court in regards to abortion rights?

The U.S. Supreme Court overturned its 1973 decision in *Roe v. Wade* and 1992 decision in *Planned Parenthood v. Casey* and as a result, has severely limited, and in some states effectively eradicated, the ability of some people, including LGBTQ+ people, to end their pregnancies.

Dobbs v. Jackson Women's Health Organization was a challenge to Mississippi's 2018 ban on abortion after 15 weeks of pregnancy. Abortion rights advocates, including the Center for Reproductive Rights and the Mississippi Center for Justice, filed a lawsuit challenging the "blatantly unconstitutional ban" on behalf of the Jackson Women's Health Organization, the last abortion clinic in Mississippi. The Supreme Court's decision in *Dobbs* will affect access to abortion not just in the state of Mississippi, but also in states that have not affirmed the right to abortion under state law.

Several states have affirmed the right to abortion in their laws, including California, Colorado, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Vermont, and Washington. However, in many others, bans will go into effect quickly and others will move to enact their own bans within coming months. Approximately 36 million people will lose the right to this critical health care, having the hardest impact on LGBTQ+ people, but also people of color, people who are poor, people living with disabilities, immigrants, and people who live in rural areas.

I am LGBTQ+ and need an abortion, what should I do?

If you are seeking an abortion you can go to the [National Network of Abortion Funds](#) or the [National Abortion Federation](#) to find a provider or visit [Planned Parenthood](#) and use their abortion access tool to learn about your state's current laws and available clinics.

I am having trouble accessing an abortion in my state, what should I do?

There are many barriers to seeking an abortion throughout the U.S. that are dependent on a number of factors: current state laws, financial burdens, needing to travel long distances, but also additional barriers LGBTQ+ people face because of discrimination.

If you are experiencing difficulties accessing abortion in your area, go to the [National Network of Abortion Funds](#) or the [National Abortion Federation's website](#) or call 1-800-772-9100. NAF also has a referral hotline, 1-877-257-0012. If you need help paying for abortion, the [National Network of Abortion Funds](#) can help provide financial and logistical assistance.

What should I do if I experience discrimination at a clinic because I'm LGBTQ+?

Federal law protects LGBTQ+ people from discrimination in a health care setting. Section 1557 of the Affordable Care Act prohibits discrimination on the basis of sex, including gender identity and sexual orientation. If a health care provider offers abortions and other reproductive health care to cisgender and heterosexual people, they must also provide those same services on an equal basis to LGBTQ+ people. If you experience discrimination in a health care setting, contact the [Lambda Legal Help Desk](#) immediately or use [Lambda Legal's Health Care Tracker](#).

I am an LGBTQ+ person but do not need an abortion. Is this still an issue that impacts my life?

Yes! While some LGBTQ+ people may need gynecological services, abortion care, and contraception, all LGBTQ+ people may need access to STI testing, cancer screening, gender-affirming care, HIV treatment, prevention medication such as PrEP, and/or other forms of quality and essential health care that clinics—that also offer abortions—may provide. This rings especially true for LGBTQ+ people who live in low-income and/or rural communities.

When these clinics close due to the Supreme Court decision in *Dobbs*, restrictive abortions laws, or lack of state and federal funding, our communities will be hit the hardest, pushing our most vulnerable members further into the margins.

How do reproductive rights impact LGBTQ+ rights?

Although not all LGBTQ+ people will need an abortion sometime in their lives, there are many fundamental civil rights everyone in our community enjoys because of the precedent set by abortion and reproductive rights cases, as well as the prior precedents which led to abortion rights decisions, all of which now appears threatened by the Supreme Court's approach. The movements for LGBTQ+ civil rights and reproductive justice are inextricably intertwined because at their core, these rights—whether or not to be pregnant, with whom to be sexually intimate, or whether to physically align our body with our gender identity—are about personal autonomy and self-determination.

Additionally, legal victories for access to abortion such as *Roe v. Wade* and *Planned Parenthood v. Casey*, and for contraception such as *Griswold v. Connecticut* and *Eisenstadt v. Baird*, paved the way for *Lawrence v. Texas* (decriminalized private consensual same-sex intimacy), *Windsor v. United States* (overturned the Defense of Marriage Act), and *Obergefell v. Hodges* (struck down all remaining state bans on marriage for same-sex couples). For these reasons, Lambda Legal has supported abortion rights and represented abortion providers ourselves in a [case challenging the so-called "Conscience Rule."](#)

Are my other rights, as an LGBTQ+ person, under threat as a result of this ruling?

The Supreme Court ruling in *Dobbs* is limited to abortion access. However, as mentioned earlier, *Roe v. Wade* and *Planned Parenthood v. Casey*, which *Dobbs* overturned, are important parts of the foundation on which our victories in *Lawrence* and *Obergefell* stand. Without those prior precedents, that foundation is weakened. Although the Supreme Court's decision says abortion is a unique issue, its reliance on discriminatory history to justify its decision to deny the fundamental right to abortion, leaves the door wide open to deny other fundamental rights like decisions about who to have sex with or who to marry.

Justice Clarence Thomas reinforced the danger in a chilling concurring opinion, writing, "We should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*," making explicit that overturning the right to contraception (*Griswold*), the right to engage in private consensual sexual activity with a same-sex partner (*Lawrence*), and the right to marry someone of the same-sex (*Obergefell*) is firmly within his sights.

What are steps that I can take to protect my rights?

It's important to remember that *Lawrence* and *Obergefell* are still the law of the land and Lambda Legal will fight to keep it that way. However, there are steps you can, and should, take to protect your family. Same-sex couples should take steps to protect their rights as parents via second-parent adoptions and it often is a wise idea to protect decision-making rights through legal and medical powers of attorney. When you have prepared that documentation, consider carrying it with you.

If you would like to talk with an attorney, reach out to the [Lambda Legal Help Desk](#) for a list of attorneys in your area that can help.

What can I do to support abortion rights?

Knowledge is power. The first step is learning where your state stands and how you can get involved. Visit the [Guttmacher Institute's website](#) to learn more about your state's abortion laws. Also, push your Senators to pass the [Women's Health Protection Act](#), a pending federal bill that protects the right to an abortion for everyone everywhere.

Please note:

This document only provides general legal information and is not intended as legal advice. For individual legal advice, please contact an attorney.