

**June 24, 2022**

**ATTORNEY GENERAL RAOUL ISSUES STATEMENT EXPRESSING DISAPPOINTMENT WITH SUPREME COURT DECISION ROLLING BACK ABORTION PROTECTIONS**

**Chicago** — Attorney General Kwame Raoul today issued the following statement regarding the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*. The court’s decision rolls back half a century of precedent established in *Roe v. Wade* and other cases that protect a patient’s right to decide, before viability, whether to carry a pregnancy to term.

“I am extremely disappointed with today’s Supreme Court decision, which jeopardizes the health, the safety and the lives of millions of women in the United States – especially those who already have the least access to health care and other resources. This single decision rolls back 50 years of court precedent and with it, decades of progress toward reproductive autonomy. Contrary to the rhetoric used by some, make no mistake: This decision will not end abortion. What it will do is end access to safe abortions for many women throughout the country.

“In anticipation of the court’s decision, dozens of states have taken draconian steps to restrict access to or criminalize abortion. While some women living in those states could decide to seek legal abortions in other states like Illinois, the option of traveling great distances for potentially lifesaving abortion care may not be available to low-income women or victims of abuse. By revoking a woman’s right to reproductive choice, the court now leaves too many women faced with making unimaginable decisions.

“As I recently assured Vice President Kamala Harris at a White House roundtable on reproductive health, Illinois has been and will continue to be a proud reproductive health care oasis where women have the right to make their own highly-personal reproductive health decisions with their families and medical professionals. In light of today’s decision, I encourage people to review [guidance my office issued](#) to ensure reproductive rights are protected in Illinois, and I am [reminding law enforcement](#) that abortion is legal in Illinois – regardless of today’s decision.

“As we prepare for an influx of women from neighboring states to seek abortion services in Illinois, my office is actively working with the governor’s office and Legislature to address concerns triggered by the court’s decision. Specifically, we must expand safeguards under state law to ensure that women and providers are protected from those who would use this decision to obstruct access to abortion care.

“Today is a sad day in the history of the Supreme Court and our nation. However, this wrong-sided decision does nothing to alter my commitment to enforcing the reproductive health protections already enshrined in Illinois law, working with Illinois policymakers to expand protections under state law, and continuing to urge Congress to codify reproductive health care rights in federal law.”

# KNOW YOUR REPRODUCTIVE RIGHTS

The following information is intended to answer questions about your legal rights. You should talk to a health care provider about questions regarding your reproductive health, including whether and when you can terminate your pregnancy.

Exercise caution when speaking with a new health care provider or searching online for health information. Do not share your personal health information except with a trusted provider. This document was last updated June 24th, 2022.

## DOES ILLINOIS LAW PROTECT MY RIGHT TO AN ABORTION?

Yes. Illinois law protects your right to have an abortion and treats abortion like other kinds of health care. You are entitled to this right regardless of gender identity, sexual orientation, immigration status, race, ethnicity, disability status, or any other protected characteristic.

## DOES THE U.S. SUPREME COURT OVERTURNING ROE V. WADE MEAN ABORTIONS ARE ILLEGAL?

No, not in Illinois. On June 24, 2022, the Supreme Court said that the U.S. Constitution does not include a right to abortion. But Illinois law separately protects the right to abortion.

## CAN I GET A PRESCRIPTION FOR ABORTION MEDICATION ONLINE IN ILLINOIS?

Yes. In Illinois, you can get a prescription for medication abortion through an online telehealth appointment with a medical provider and have the medication sent to you by mail. Providers who offer medication abortion generally do so up to around 10-11 weeks of pregnancy.

## WILL MY HEALTH INSURANCE COVER AN ABORTION?

Maybe. If you have insurance with pregnancy benefits, then it likely also covers care related to terminating your pregnancy. Illinois Medicaid and most Illinois-based private health insurers cover abortion in policies that include pregnancy-related care. Contact your insurance provider for your policy information.

## DOES ILLINOIS LAW PROTECT MY RIGHT TO RECEIVE OTHER REPRODUCTIVE HEALTH CARE?

Yes. The State cannot interfere with your decisions regarding reproductive care, including whether or not to use birth control, how to manage a pregnancy loss, and decisions about giving birth like whether to have caesarean surgery or epidural anesthesia.

## ARE THERE LIMITS ON WHEN A PROVIDER CAN GIVE ME AN ABORTION?

Talk to your provider. Illinois law does not set a specific time limit. Health care providers perform abortions until "viability," which is determined by your individual circumstances. In some situations, a provider could determine that viability exists around 24-28 weeks into pregnancy. Even if your provider determines that your pregnancy has reached viability, you may be able to have an abortion if your provider thinks it is necessary for your health.

## DO I HAVE TO BE A RESIDENT OF ILLINOIS TO RECEIVE AN ABORTION IN ILLINOIS?

No. Residents of other states may receive health care in Illinois, including abortion and other reproductive care. However, Illinois does not regulate how out-of-state insurance plans provide coverage, so you should speak to your insurer and health care provider to understand your payment options.

## I'M UNDER 18 YEARS OLD; CAN I GET AN ABORTION?

Yes. Illinois protects your right to an abortion too.







OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

June 1, 2022

**Re: Guidance to law enforcement on abortion**

Dear Illinois law enforcement colleagues:

Given recent changes in other states' laws and the developing conversation at the federal level regarding abortion, I write to remind you that Illinois law protects an individual's right to make reproductive health decisions—including the decision to obtain an abortion.

Obtaining an abortion in Illinois is not a crime. In Illinois law the term "abortion" is defined in relevant part as "the use of any instrument, medicine, drug, or any other substance or device to terminate [a] pregnancy . . . ." 775 ILCS 55/1-10. No provision in the Illinois Criminal Code establishes an offense for obtaining or performing an abortion. *See generally* 720 ILCS 5, *et seq.* Illinois law also does not authorize law enforcement to deny, restrict, interfere with, discriminate against, or otherwise punish an individual for obtaining an abortion.

Instead, Illinois statutes contain protections for the bodily autonomy of pregnant persons, including provisions that provide:

- All individuals have a fundamental right to make autonomous decisions about their own reproductive health, including the fundamental right to use or refuse reproductive healthcare. 775 ILCS 55/1-15(a).
- Every individual who becomes pregnant has a fundamental right to continue the pregnancy and give birth or to have an abortion, and to make autonomous decisions about how to exercise that right. 775 ILCS 55/15(b).
- A fertilized egg, embryo, or fetus does not have independent rights. 775 ILCS 55/1-15(c).
- An abortion to which a pregnant individual has consented does not give rise to liability under the Illinois Criminal Code. *See, e.g.,* 720 ILCS 5/12-3.1(d) (excluding abortions from a battery offense); 720 ILCS 5/9-1.2(c) (excluding abortions from a homicide offense).

Government officials should exercise caution before taking action based on the actual, perceived, or potential outcome of an individual's pregnancy, as conduct that interferes with an individual's right to reproductive autonomy is prohibited and may give rise to legal action. 775 ILCS 55/1-20.<sup>1</sup> Officials are prohibited from denying, restricting, interfering with, or discriminating against an individual's exercise of these fundamental rights. 775 ILCS 55/1-

<sup>1</sup> These prohibitions apply to "any branch, department, agency, instrumentality, and official or other person acting under color of law of this State or a political subdivision of the State, including any unit of local government (including a home rule unit), school district, instrumentality, or public subdivision." 775 ILCS 55/1-10 (defining "State").

20(a)(1). They also are prohibited from prosecuting, punishing, or otherwise depriving an individual of their rights when the predominant basis for such action is the impact on the individual's pregnancy, pregnancy outcome, or health. 775 ILCS 55/1-20(a)(2). Failure to heed these prohibitions may give rise to civil claims and may result in court orders to pay fees and costs. 775 ILCS 55/1-20(b)-(c).

Although the landscape may be shifting nationwide, Illinois law is settled: Abortion and other reproductive health decisions are not crimes in our state. Further, Illinois law requires law enforcement agencies and officials to respect and refrain from interfering with individuals' fundamental right to reproductive autonomy. I appreciate your commitment to upholding the laws of our state, including those protecting the right to reproductive freedom.

Respectfully,



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KWAME RAOUL  
Attorney General of the State of Illinois