



“Abortions for some, miniature American flags for others”

Why Delaware Needs to Fund Abortions through Medicaid

“I would certainly like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle class woman, or a poor woman. Unfortunately, the only vehicle available is the HEW Medicaid bill.” - Representative Hyde

Overview

With threats to abortion access growing at a federal level, Delaware has started taking action to protect the right to abortion services in our state. In recent years, Delaware has both enshrined *Roe v. Wade* [into Delaware law](#) and [decriminalised penalties](#) for self managed abortion. Yet, unlike our neighboring states, **Delaware still denies abortion access to individuals insured through federal programmes such as Medicaid or who receive military-based insurance.** This policy violates the core tenants of Reproductive Justice, particularly disadvantaging women of color and low-income folks. If Delaware is to ensure all citizens have the right to financially accessible healthcare, they must provide funding for these abortion services, correcting existing inequities.

Problem

In 1977, the US federal government passed the [Hyde Amendment](#) which forbids federal funding for most abortion services. This means that those who receive healthcare through the government (military members, those insured through Medicaid, tribal citizens and low income people in the District of Columbia), [have been unable](#) to use their health insurance to cover abortion services. **This ban disproportionately impacts women of color and effects include that pregnant people [are forced](#) to delay their abortion services. [1 out of 4](#) women forced to**

pay out of pocket due to the Hyde Amendment will not be able to access an abortion. Women who [are denied access](#) to a wanted abortion have **4 times greater chance of being below the poverty line** and **3 times greater chance of being unemployed after 6 months**.

Policy Solutions

Several states have introduced independent state funding for abortion services in order to compensate for the lack of federal funding.

There are currently [16 states](#) which provide funding for abortions to compensate for the Hyde Amendment. 9 of these states do so as the result of a court case, an option which is more of a legal strategy rather than an activist goal.

After Maine elected a Democratic majority, they passed a law [requiring all insurances](#), including Medicaid, to cover abortion. This is an ideal potential model for Delaware, as it would also support those who have private insurance to have access to abortion. There are currently private plans which do not cover abortion, and by passing a similar law to Maine, this would ensure almost all Delawareans are covered.

Potential Objections

The main objection is that the lack of Medicaid funding is [a compromise](#) between deeply held views on abortion. This means that those who seek abortions are legally able to do so, but not able to receive funding from those who oppose abortion services. This ignores that abortion access is essential for public health in the United States and that women [have died](#) as a result of being denied abortions through Medicaid. Additionally, this “compromise” sacrifices access for the most marginalized people in the United States — namely, women of color, young people, low-income folks, disabled folks, LGBTQ+ people, etc. — allowing only those privileged enough to overcome political barriers able to access care.

There has also been an objection that there will be additional funding required in the state budget for Medicaid abortion. Research [actually demonstrates](#) that **states save money by providing funding for abortion** as opposed to spending on pre- and post-natal care, as well as various benefits for families.

Resources for More Information

Additional resources

- The Guttmacher Institute [has published a survey](#) of the various state policies regarding Medicaid funding for abortion services.
- The Guttmacher Institute’s [literature review](#) on Restrictions for Medicaid Funding for Abortions.
- [All Above All](#), a national organization which campaigns for ending the Hyde Amendment.
- Zine About [Self-Managed Medication Abortion](#).

Model legislation

- [Maine legislation](#) to fund abortion through all insurance programmes.
- California Health & Human Services [2014 memo](#) mandating that all insurance programmes should cover abortion services.

Alternative Options and Considerations

Maryland funds additional abortions through budget allocations. This funding is [passed by the legislature](#) and debated every year. This model is less consistent, as there is a chance every year that the funding will not be renewed.

New Jersey currently funds abortions through Medicaid as the result [of a lawsuit](#); a similar lawsuit is currently [being heard](#) in the Pennsylvania courts. It may be worth consulting with the ACLU and other legal partners as to whether such a lawsuit may be successful in Delaware courts.