



FOR IMMEDIATE RELEASE

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## **Democrats Introduce Legislation to Restore Roe in Wisconsin**

MADISON – Today, Representative Lisa Subeck (D-Madison) and Senator Kelda Roys (D-Madison), alongside Governor Tony Evers, introduced a bill to restore access to abortion in Wisconsin. The bill would repeal Wisconsin’s criminal abortion ban passed in 1849. Wisconsin’s ban is the oldest in the nation, enacted prior to the Civil War and well before women gained the right to vote.

The ban, which subjects physicians who provide abortions to felony charges and prison time for providing the health care their patients need, has remained on the books for 174 years despite the 1973 *Roe v. Wade* decision, which guaranteed the right to legal abortion. Last year, the Supreme Court overturned *Roe* with its decision in *Dobbs v. Jackson Women’s Health*, and abortion services immediately ceased in Wisconsin.

“Abortion is health care. As long as doctors face the threat of prosecution for providing basic reproductive health care, and as long as extremist Republicans continue putting politics ahead of our rights, patients will not have access to the abortion care they need in our state,” said Rep. Subeck. “The bill we introduced today would Restore Roe in Wisconsin by returning the state of abortion access to exactly what it was before *Roe v. Wade* was overturned, restoring our freedom to make our own reproductive health care decisions without interference from politicians.”

When the Supreme Court ruled in *Dobbs*, Wisconsin was left in a state of uncertainty regarding the status of the 1849 abortion ban. In June of last year, Wisconsin Attorney General Josh Kaul filed a lawsuit challenging the validity of the 1849 law on the basis that Wisconsin’s statutes have two sets of criminal laws that are in conflict with each other if both are applied to abortion and that the state has enacted a number of laws regulating how a physician can provide abortion, superseding the 1849 ban and rendering it obsolete. With the lawsuit still pending in state courts, doctors remain uncertain whether they would be prosecuted for providing an abortion, and abortion services in Wisconsin have effectively ceased.

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“Every pregnancy is different and every patient’s circumstances are unique. Abortion should be available safely, legally, and without judgement,” said Rep. Subeck. “Wisconsin patients facing unintended or untenable pregnancies, including those whose health is in immediate jeopardy, now find themselves forced to travel out of state just to access the care they need.”

Abortion is a necessary and normal part of healthcare for women and widely supported by Wisconsinites. In fact, nearly 60% of Wisconsin voters support safe, legal, access to abortion, and more than 60% oppose the decision to overturn *Roe v. Wade*.<sup>1</sup>

“Wisconsinites have made their views clear, and the people of our state support repealing our archaic 1849-era ban on abortion,” said Rep. Subeck. “Today, we introduce the Restore Roe Act so that the will of the people to restore our reproductive freedom may once again be the law of the land.”

Rep. Subeck has represented the 78th Assembly District since 2015 and serves as Chair of the Assembly Democratic Caucus.

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<sup>1</sup> Marquette University Law School Poll. “Final Pre-Election Marquette Law School Poll of Wisconsin Voters...” Milwaukee, WI : Marquette University, November 2, 2022.

<https://www.marquette.edu/news-center/2022/final-pre-election-marquette-law-poll-finds-both-senate-and-governor-races-are-tossups.php>

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