

Know Your Legal Rights & Risks: The Law & Self-Managed Abortion FAQ

People in the U.S. and around the world are safely and effectively managing their own abortions—in privacy, at home, and with the people they care about. But people who self-manage abortion may face legal risks. It is time to eliminate the threat of such prosecutions, so pregnant people can fully enjoy their human rights to determine their reproductive lives.

What is self-managed abortion?

Self-managed abortion means ending your own pregnancy, without a doctor or other health care provider.

Most people go to clinics to get abortion care. But many states make it hard for people to get to clinics; a few states have made clinic abortion extremely difficult to get. So, some people choose to manage their own abortion because they cannot go to a clinic.

Other people would rather manage their abortion on their own, with pills, herbs, or in other ways.

Is self-managed abortion with pills the same as telemedicine abortion?

No. Self-managed abortion is ending a pregnancy on your own outside of the formal medical system. Telemedicine (also called “telehealth”) relies on U.S.-based licensed medical professionals, but gives people the option to speak with their providers remotely instead of in person. In more than 20 states, telemedicine providers mail abortion pills (mifepristone and misoprostol) to patients after an online or phone consultation.

But aren't they the same pills?

Often, they are. Many people self-manage abortion with the same pills (called mifepristone and misoprostol) that are prescribed by health care providers either through telemedicine or at a clinic. The pills are extremely safe and effective, and are used by people around the world to safely end their pregnancies outside the formal medical system.

When someone uses those pills—or another method—without a healthcare provider, that is a self-managed abortion.

Why is the difference between self-managed abortion and telemedicine important?

If both self-managed abortion and clinical abortion were accessible to all, and people were free from stigma, surveillance, and criminalization, there would be no need to think about the difference. But for now, a person who self-manages abortion, or helps someone else self-manage, may face legal risks.

Abortion provided by health care providers, whether through telemedicine or in clinics, is not, at this time, legally risky for patients.

What are the legal risks of self-managing?

The legal risk for self-managed abortion depends on several factors. These include:

- Where you live. There are three states—Nevada, Oklahoma, and South Carolina—that still have laws that make self-managed abortion a crime. Those laws are unconstitutional, but people who live in those states may be more at risk of being criminalized than people who live in other states. There are some states where there is no record of anyone being prosecuted for self-managing abortion. And there are some states where laws say that no one can be prosecuted for ending their own pregnancy. For information about the legal risks in your state, please contact us at ReproLegalHelpline.org.
- Whether you have already had police or child welfare involvement in your life. We don't believe that it's legal or right for these systems to interfere with your reproductive decisions. We also know that those systems are racist and classist. But police or child protective services are more likely to investigate people for their pregnancy outcomes when they are already investigating them for something else.
- Whether you are later in your pregnancy. Of the people who have been prosecuted for self-managed abortion, many of them were later in their pregnancy.
- Discrimination. Black, Indigenous, and People of Color (BIPOC), LGBTQ+, immigrants, and people living with economic insecurity are at higher risk of being criminalized for self-managing abortion.

How do I know whether self-managed abortion is legally risky for me?

Because legal risk depends on many different factors, If/When/How provides Repro Legal Helpline, a free legal advice and information line that you can contact to find out more about self-managed abortion and the law. You can also read more about your rights on our helpline's website, ReproLegalHelpline.org, available in English, Spanish, and Simplified Chinese.

Will there be different legal risks for people who self-manage abortion if the U.S. Supreme Court overturns Roe v. Wade, or upholds Mississippi's 15-week abortion ban?

The constitutional right to have an abortion has not prevented some prosecutors from misusing the law to criminalize people for self-managed abortion, or for having a miscarriage or stillbirth. There have been hundreds of such arrests and prosecutions since 1973, when Roe v. Wade was decided.

But we expect the risks to be greater now for two main reasons. First, because more people than ever are self-managing with abortion pills, which means more people could potentially be criminalized. And second, because when states are allowed to ban or harshly restrict access to abortion providers, that increases the stigma of abortion. That stigma makes it more likely that prosecutors and police will investigate, arrest, or charge people who end their own pregnancies.

**No one should be criminalized for self-managed abortion. Learn more about your rights—including what you can do in an encounter with police, your rights when seeking medical care after a self-managed abortion, and more—
at ReproLegalHelpline.org.**

