

## DISTRICT OF COLUMBIA

### DISTRICT OF COLUMBIA AT A GLANCE

EXISTENCE AND STATUS OF ABORTION BAN	STATE CONSTITUTIONAL PROTECTION OF ABORTION RIGHTS	STATUTORY PROTECTION OF ABORTION RIGHTS	OTHER FACTORS
No ban	None established	None	D.C. is subject to plenary power of Congress; therefore abortion could be banned in D.C. by act of Congress

RISK FACTORS	HIGH	MEDIUM	LOW
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**Existence and Status of Abortion Ban:** No abortion ban. The legislature recently repealed its pre-*Roe* ban. [D.C. Law 15-154?3(a).]

**State Constitutional Protection of Abortion Rights:** None established.

**Statutory Protection of Abortion Rights:** None.

**Other Factors:** It is unlikely that the District of Columbia itself would enact a more restrictive ban on abortion if *Roe* is overturned. Nevertheless, the District remains subject to plenary Congressional power,<sup>40</sup> and it is possible that Congress would act to prohibit or severely restrict abortion in the absence of *Roe*.<sup>41</sup>

**Conclusion:** There is no ban currently on the books. However, Congress could act immediately to prohibit abortions in the District of Columbia.

#### Legislative Session in Washington D.C.: Jan. 2 – end of year, 2005

Source: National Conference of State Legislators (NCSL) website  
<http://www.ncsl.org/programs/legman/about/sess2005.htm>

<sup>40</sup> U.S. CONST. art. I, § 8, cl. 17.

<sup>41</sup> See generally *Marijuana Policy Project v. United States*, 304 F.3d 82 (D.C. Cir. 2002) (upholding the validity of a congressional enactment prohibiting the District of Columbia from reducing the penalties for use or possession of marijuana); *Banner v. United States*, 303 F. Supp. 2d 1 (D.D.C. 2004) (upholding validity of congressional prohibition against commuter tax in non-residents working in the District of Columbia).