



NARAL
Pro-Choice America

Fast Facts about the Federal Refusal Clause

FACT: The federal government does not force hospitals or medical professionals to provide abortion care against their will.

- According to the 1973 Church amendment, individuals and corporations are free to decline to provide abortion services. Further, hospitals and other health providers are free to decline providing abortion care, except when a woman's life is at risk. Moreover, most states permit certain medical personnel, health facilities, and/or health-care companies to refuse to provide abortion care.
- Yet, the Federal Refusal Clause goes much further: it allows a wide range of health-care corporations – or a few board members controlling the company's policy, whether for religious, political, or any other reasons – to block doctors' ability to give patients comprehensive reproductive-health information, regardless of the doctors' or patients' religion, morals, or values.

FACT: The Federal Refusal Clause is a sweeping exemption from laws and regulations that ensure that women have access to abortion services.

- Far from constituting a simple "conscience clause," as sponsors claim, the federal refusal law is a permission slip from Congress for certain companies to refuse to abide by the same laws that govern other health-care providers. Because of this law, corporations are free to stifle communication between doctors and patients, threatening women's access to information about abortion services.

FACT: This law puts the rights of corporate health conglomerates above those of women and doctors, interfering with the principle of informed consent.

- Without question, a delicate balance must be struck between the rights of patients and providers. Sadly, however, this law offers no balance – instead permitting a corporation's "conscience" to trump a doctor's or woman's. Regardless of whether a health-care company chooses to provide abortion services, the procedure is a legal medical option and patients have a right to this information. Without access to full information, patients cannot give genuinely informed consent – a bedrock principle of medical care.

FACT: The Federal Refusal Clause intentionally interferes with states' rights.

- If interpreted as its proponents urge, the law could effectively overrule state constitutions by federal legislative fiat, violating basic principles of federalism. An example in Alaska is illuminating. The law's authors claim that the Federal Refusal Clause will overrule *Valley Hospital v. Mat-su Coalition for Choice*, a case where the Alaska Supreme Court concluded that the state constitution requires that quasi-public hospitals provide abortion services.
- Additionally, the Federal Refusal Clause could preclude states and local governments from enforcing their own health-care certification and licensing requirements in the area of abortion. In deciding whether to approve a hospital merger, a state might no longer consider whether the newly merged hospital system would end women's access to full reproductive-health services, leaving even more communities without access to abortion care.

FACT: The public overwhelmingly opposes the Federal Refusal Clause.

- Seventy-six percent of Americans oppose exempting hospitals from providing medical services on religious grounds.
- Eighty-three percent of Americans believe that "if a hospital receives government funds, it should be required to provide basic, legal medical services, regardless of the hospital's religious objections."
- Eighty-nine percent of the public opposes allowing insurance companies to refuse to pay for medical services on religious grounds.
- Eighty-five percent of women believe that a Catholic hospital receiving government funds should be required to allow doctors to provide any legal, medically sound service he or she decides is necessary.

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