

The Women's Health Protection Act

The Women's Health Protection Act (H.R. 3755/S. 1975) would protect the federal right to abortion and would block the barrage of state bans and restrictions on abortion intended to impede or outright deny access. The bill would protect a person's freedom to make decisions about their own reproductive health care and a health care provider's ability to provide the full range of reproductive health services, including abortion.

The legal right to abortion faces its greatest threat in decades. Despite overwhelming public support for the legal right to abortion, we're in the midst of an all-out assault on reproductive freedom with *Roe v. Wade* hanging in the balance. The need to enshrine the legal right to abortion in federal statute is more urgent than ever. The recent announcement that the U.S. Supreme Court will soon hear *Dobbs v. Jackson Women's Health Organization*, a direct challenge to *Roe v. Wade*, represents an ominous sign for the future of abortion rights in this country.

Anti-choice lawmakers have accelerated their push to pass blatantly unconstitutional bans and restrictions on abortion introducing, advancing, or passing over 300 bills attacking abortion access this year alone. In the last two years, 31 states introduced, passed, or signed into law bans on abortion. And since 2010, state and local governments have passed more than 400 such restrictions singling out health care providers who offer abortion services. Systematic attacks on reproductive freedom and abortion access, which are rooted in racism, white supremacy, and other forms of discrimination, intentionally push access out of reach and have rendered meaningless the protections and rights afforded by *Roe v. Wade* for far too many people across the country. These attempts to cut off access to abortion care create a patchwork system that makes it virtually impossible to access the full range of essential reproductive health care services in some parts of the country. We need to ensure that politicians cannot interfere with or deny the constitutional right to abortion.

The Women's Health Protection Act (WHPA) would put a stop to these bans and medically unnecessary restrictions, thus allowing medical providers to do the important work of providing high-quality abortion care to people across the country. Specifically, it creates a right for healthcare providers to provide abortion care and a corresponding right for people to receive that care, without limitations or requirements that are more burdensome than restrictions imposed on medically comparable procedures. Such limitations and requirements include:

- A requirement that a health care provider perform specific medically unnecessary tests or procedures in connection with the provision of abortion (i.e., a mandatory ultrasound);
- A requirement that a health care provider offer or provide medically inaccurate information to a person seeking abortion (i.e., biased counseling);

- A limitation on a health care provider's ability to prescribe or dispense medication based on current evidence-based regimens or the provider's good-faith medical judgment (i.e., medication abortion care restrictions);
- A limitation on a health care provider's ability to provide abortion services via telemedicine (i.e., medication abortion care restrictions);
- A requirement or limitation specifically targeted at facilities or the personnel of facilities that provide abortion services (i.e., Targeted Restriction on Abortion Providers (TRAP) laws);
- A requirement that, prior to obtaining an abortion, a person make one or more medically unnecessary in-person visits to the provider of abortion services or to any individual or entity that does not provide abortion services (i.e., multiple unnecessary visits to the doctor or visits to a fake health center);
- A prohibition on abortion prior to fetal viability, including a prohibition or restriction on a particular abortion procedure (i.e., timing and procedures-based abortion bans);
- A prohibition on abortion after fetal viability when, in the good-faith medical judgment of the treating health care provider, continuation of the pregnancy would pose a risk to the pregnant person's life or health (i.e., abortion bans without the life or health exceptions required under *Roe*);
- A limitation on a health care provider's ability to provide immediate abortion services when the provider believes, based on their good-faith medical judgment, that delay would pose a risk to the pregnant person's health; or
- A requirement that a person seeking abortion services prior to fetal viability state their reasons for seeking abortion services, or a limitation on the provision of abortion services prior to fetal viability based on the person's reasons or perceived reasons for obtaining abortion services (i.e., abortion bans based on the reason a person is seeking care).

The legislation also outlines factors for courts to consider when determining whether a limitation or requirement unlawfully impedes access to abortion services. Finally, this legislation would put a stop to state restrictions or limitations that violate the Women's Health Protection Act.

On June 8th, 2021, Reps. Judy Chu (D-CA), Diana DeGette (D-CO), Ayanna Pressley (D-MA), and Veronica Escobar (D-TX), along with Sens. Richard Blumenthal (D-CT) and Tammy Baldwin (D-WI) introduced the Women's Health Protection Act in Congress. We need a federal law that puts people's health and reproductive freedom first and the Women's Health Protection Act does just that. It is past time to pass this critically important bill and end political interference with a person's freedom to make private medical decisions.