



The Reproductive Privacy Act (H5125 Sub A) The Reproductive Health Care Act (S152 Sub A) *Protecting the Right to Abortion in Rhode Island*

The Rhode Island Coalition for Reproductive Freedom endorses the Reproductive Privacy Act (H5125A) and the Reproductive Health Care Act (S152A) and calls on the House of Representatives and Senate to pass it as written without amendment

WHAT DO THESE BILLS DO?

The RPA/RHCA will guarantee abortion remains safe and legal in Rhode Island no matter what happens at the federal level. This legislation achieves a modest but incredibly important goal - preserving the current legal framework protecting the right to safe, legal abortion as it exists today under *Roe v. Wade*, subsequent Supreme Court decisions, and Rhode Island law.

- A strict codification of *Roe v. Wade* and subsequent Supreme Court decisions.
- Protects the right to abortion prior to fetal viability, using definitions created by the Supreme Court.¹
- Prohibits abortion after fetal viability except when necessary to preserve the life or health of the pregnant person.
- Affirms the Supreme Court standard that decisions about post-viability abortions “necessary to preserve the life or health” of the pregnant person are medical decisions which consider all factors relevant to the wellbeing of the patient and are made in the physician’s medical judgment.
- Includes language affirming the federal law banning so-called “partial-birth abortion.”
- Specifically enumerates and affirms Rhode Island laws pertaining to abortion currently in effect, including the requirement of informed consent, the ban on Medicaid funding for abortion in accordance with the federal Hyde Amendment and the authority of the Department of Health to license and regulate abortion providers.
- Formally repeals laws that remain on the law books in Rhode Island that have been declared or acknowledged as unconstitutional or unenforceable—including laws that outlaw most abortions and make it a criminal offense to perform one, that require providers to notify spouses, and that interfere with insurance coverage for abortion services.

WHY DO WE NEED TO PASS THIS BILL NOW?

The confirmation of Supreme Court Justice Kavanaugh adds to the urgency we face here in Rhode Island and across the country. Rhode Island does not have a constitutional provision, law or court decision that protects the right to safe, legal abortion.

WHAT DO VOTERS HAVE TO SAY?

A poll conducted by the Providence Journal, The Public’s Radio, and ABC6 in October 2018 showed that 71% of Rhode Island voters support protecting the right to abortion. A clear majority of Rhode Islanders support passing a law like the RPA.

¹ The RPA/RHCA defines “fetal viability” as “*that stage of gestation where the attending physician, taking into account the particular facts of the case, has determined that there is a reasonable likelihood of the fetus’ sustained survival outside of the womb with or without artificial support,*” wording that closely tracks the Supreme Court’s own language in *Roe v. Wade*.