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TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE ON BILLS RELATING TO ABORTION March 11, 2014

As an organization that has long supported reproductive freedom and the fundamental rights of privacy and personal autonomy that underlie *Roe v. Wade*, the ACLU of Rhode Island is pleased to support House bills 7222, 7223, 7472, 7779, 7837, 7853 and 7890. We consequently oppose bills to restrict that fundamental right, and thus urge rejection of H-7303, 7330, 7383, 7403, and 7854.

Since the 1980's, the ACLU of Rhode Island has successfully challenged – at great expense to the taxpayers – no fewer than seven anti-abortion laws enacted by the General Assembly. In and of itself, this cautionary note should provide reason enough for this Committee to eschew passage of any of the bills designed to further restrict women's privacy rights. Our brief testimony therefore focuses on two bills we support, H-7223 and H-7779, and which are designed to formally repeal some of those unconstitutional laws.

Many of the bills proposed by those who would attempt to deny a woman's right to terminate a pregnancy have a potentially deep impact on women's health and safety. Perhaps no bill better encapsulated this than one enacted three decades ago, requiring a physician to notify a woman's spouse in order to terminate a pregnancy. Even though the law was declared unconstitutional in 1984, it still appears in the General Laws as if nothing had ever happened to it. This is at best confusing and at worse misleading, and it is time for this dangerous statute to be formally repealed.

If this bill had ever passed, it would have put the health and safety of women in real danger. In all stable marriages, of course the spouses will talk about plans to terminate a pregnancy. The instances where it is less likely to voluntarily occur are when the women is in an abusive marital relationship and fears discussing this with her spouse. As courts recognized, forcing notification in those circumstances posed a real threat to the safety of women in those relationships. It is long past due for this dangerous and patronizing statute to be removed from the Rhode Island laws.

The same is true of the statutes being repealed by H-7779. One of the laws would have required insurance companies to provide abortion coverage in their policies only as an optional rider, at an additional premium. The other would have barred the state and municipalities from providing their employees' health insurance plans that included coverage for abortion. Both of these statutes remain on the books even though the courts have declared them largely unconstitutional. These discriminatory laws should be repealed.

Like the spousal notification law, the Rhode Island statute imposing barriers to abortion coverage through private insurers never took effect due to court orders. The only goal of this law was to impose an unnecessary and undue burden on women, and it could not withstand constitutional scrutiny. Like the spousal notification statute, it was stuck down decades ago, yet mysteriously remains in the General Laws.

The other law being repealed by H-7779 was partially struck down a long time ago. Although a court ruled that that the state could decline to use its own funds to provide its own employees with abortion coverage, the court also held that the state had no right to impose this restriction on municipalities, although the statute still reads otherwise. Currently, as a result, local or municipal employees receive abortion coverage through their negotiated health benefits while state employees are barred from such coverage. Since a public employee's access to reproductive health insurance coverage should not depend on whether they work for the state or a municipality, the ACLU encourages repeal of the entire statute.

In sum, it's time to remove these outdated, inappropriate statutes from the books. Thank you for considering our testimony.