

TESTIMONY IN SUPPORT OF 19-H 5127, THE REPRODUCTIVE HEALTH CARE ACT

January 29, 2019

My name is Faye Dion and I am a Board member and volunteer attorney at the ACLU of RI.

Last year, the ACLU addressed both the House and the Senate in support of H-5125, the Reproductive Health Care Act, which is designed to achieve two simple and clear objectives: (1) codify the current protections extended to all women in the United States by *Roe v. Wade* and its later cases, and (2) reflect the current state of the law in Rhode Island by cleaning up our Rhode Island statute books. Rhode Island law pertaining to reproductive rights is not very accessible to its citizens. On this deeply important subject, our laws are embedded in dense and inaccessible court opinions and obscured behind unenforceable statutes.

While it has been more than 15 years since the ACLU has been forced to challenge a Rhode Island law on reproductive rights, here we are again, this time to strongly urge that those hard-fought protections are preserved and not eroded by forces coalescing at the federal level. Many advocates of reproductive freedom are deeply, and understandably, worried about the future of *Roe v. Wade* in a reconstituted U.S. Supreme Court. With two new

appointments in the last two years, both of which were pre-approved by the anti-choice Federalist Society and Heritage Foundation, the possibility that a majority of the Supreme Court will re-examine and reject the principles underlying *Roe* is undeniable. Even if *Roe* isn't overturned, the Court is still likely to chip away at the principles of *Roe* to the point that a person's ability to make this highly personal and private decision is replaced by a government decision-maker.

The RHCA explicitly preserves those provisions affecting reproductive choice that are presently in force and conform to *Roe v. Wade*: it preserves basic informed consent and the requirement of parental or judicial consent for termination of a minor's pregnancy, it preserves the right of individuals who object on moral or religious grounds not to participate in termination procedures, and it preserves that portion of RI General Laws §36-12-2.1 which prohibits the state from including abortion coverage as part of basic health insurance to state employees. Contrary to some of the other voices you will hear, *it changes nothing*. It ensures the status quo of reproductive freedom in Rhode Island and ensures that the many provisions previously struck down or never enforced as unconstitutional are now formally repealed.

Last year, my colleague Lynette Labinger and I prepared a six-page memo and a one-page fact sheet which directly refuted the unfounded claims of critics of the RHCA. That same

legislation, House 5127, the RHCA, is before you. Now, a new bill, House 5125, is being proposed as an alternative to the RHCA, when no new bill is necessary. Unlike the RHCA, this alternative bill is not designed to, and will not, achieve the simple and clear objectives of (1) codifying current law, and (2) repealing unenforceable law, and doing nothing more, or less. My colleague Lynette Labinger will address those differences in her presentation.

We urge legislators, having all the facts and fully recognizing the present vulnerability of the principles of *Roe v. Wade*, to choose to protect the rights and health of Rhode Islanders by passing the RHCA this year.

ADDENDUM: STATUTES BEING REPEALED BY H-5127

Those statutes would be chapters 11-3 (a pre-Roe ban on all abortions), 23- 4.8 (requiring notification of one's spouse before terminating a pregnancy), 23-4.12 (the state's "partial birth abortion" ban), 11-23-5 (banning the "murder of an unborn quick child," which contrary to Roe contains no exception to protect the woman's health), 27-18-28 (interfering with abortion coverage in private insurance), and 36-12-2.1 (interfering with abortion coverage in insurance provided by municipalities to city or town employees).



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org