

Talking Points

Women's Health Protection Act

The National Council of Jewish Women's (NCJW) Message

NCJW believes that access to comprehensive, affordable, and equitable health care is every person's right. Unfortunately, reproductive health services are often singled out for regulation that applies to no similar medical care. The Women's Health Protection Act (WHPA, HR 2975/S 1645) — reintroduced in June 2019 by Reps. Judy Chu (D-CA), Lois Frankel (D-FL), and Marcia Fudge (D-OH) and Sens. Richard Blumenthal (D-CT) and Tammy Baldwin (D-WI) — would guarantee providers an affirmative statutory right to deliver care free from medically unnecessary restrictions. **Lawmakers must pass WHPA to ensure that every single person has equal access to the full range of reproductive health services without delays, judgment, or misinformation.**

- **Reproductive health care is under a sustained and coordinated attack.** State lawmakers introduced a staggering 304 abortion restrictions in the first three months of 2019, escalating attacks that have produced over 400 laws constraining access to reproductive health care since 2010. These medically unnecessary regulations increase costs, decrease efficiency and number of providers, and delay procedures, negatively impacting the quality of safe and legal abortion and shuttering clinics across the country. Further, a woman's power to make her own, faith-informed decisions is obstructed when she is required to receive inaccurate or misleading information or clinically unnecessary services like ultrasounds, in-person counseling, and waiting periods.
- **Abortion care is a constitutional right that needs additional protection.** The rights to personal liberty and equal protection under the law are guaranteed to all by the US Constitution and do not depend on one's ZIP code. However, due to legislative attacks designed to undermine Supreme Court precedent, patients' ability to make their own personal decisions about reproductive health care varies widely from state to state. Consistent with the Jewish value of pursuing *tzedek* (justice) for all, NCJW firmly opposes laws that have created a patchwork of abortion access and pushed basic health care out of reach for those living in poverty and in rural areas, people of color, LGBTQ people, and young people. With more than 20 pending lawsuits challenging restrictive or unconstitutional state laws, the time is now to address these threats with federal legislation.
- **WHPA would create a new tool for safeguarding access to high-quality care and securing constitutional rights by protecting patients and providers from political interference.** The bill permits health care providers to deliver abortion services without limitations that are more burdensome than those imposed on medically comparable procedures, do not significantly advance patient health or the safety of abortion, or make abortion more difficult to access. For instance, WHPA specifies that providers have a statutory right to provide abortions free from requirements to perform specific tests or regulations concerning the physical facility where the procedures take place. Importantly, the law also establishes a new test for courts to apply when considering whether a requirement impedes access to abortion services in violation of WHPA.