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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 23-H 5006, AN ACT RELATING TO EQUALITY IN ABORTION COVERAGE March 6, 2023

The ACLU of RI strongly supports passage of H-5006. This bill would repeal long-standing, unfair, and inequitable funding restrictions that interfere with an individual's right to health care and to exercise their right to an abortion without undue government interference.

In 2019, after careful review and several revisions, the General Assembly enacted the Reproductive Privacy Act (RPA), 2019-H-5125 SubB, which was signed into law by Governor Raimondo. The RPA codified, for Rhode Island, the standards that had been mandated by more than half-a-century of U.S. Supreme Court decisions emanating from *Roe v. Wade*. The importance of the RPA's passage was underscored with the Court's devastating reversal of *Roe* this year. The RPA also guaranteed that the State would not interfere with access to evidence-based medical care or medical treatment. Thus the RPA stands for the protection of a person's right to reproductive health care.

But for many people, the State continues to erect barriers to access for health care that passage of this bill will remove. Under current law, the State treats its own employees as second-class citizens by preventing its employees and their dependents from accessing abortion coverage as part of their health insurance and requiring them to pay extra to obtain abortions or coverage. But this is not a financial decision, since the State saves no money by excluding coverage for abortion from its employee health care. Current state law also denies people receiving Medicaid

from obtaining the funding to cover abortion services that is provided for other health needs. This is an unnecessary, punitive burden that obviously falls far more harshly on people of limited financial resources. While the RPA guarantees that the right to an abortion in Rhode Island cannot be infringed, that critical right is illusory for those who cannot afford to exercise it.

Our collective experience from the three years of the pandemic underscored the importance of access to health care and the irreparable harm to the individual, their family and the community that results from decisions to delay medical care—whether it was because of the lockdown, fear of infection, or lack of insurance or funds to secure care. Whatever the cause, those delays can cause the individual to postpone a decision to a time when it costs more and has more negative outcomes to health. Unfortunately, the laws targeted by this legislation can contribute to those delays, highlighting its need.

This bill is simple. It repeals state-created restrictions excluding coverage for abortion from health insurance for state employees and removes the mandatory denial of state Medicaid coverage for abortion services. On passage, Rhode Island would join the majority of its sister New England states in providing similar coverage. It is a matter of fairness and equity to provide the ability to access health services to those least able to afford them.

The ACLU of Rhode Island therefore strongly urges passage of this legislation.