

CENTER *for* REPRODUCTIVE RIGHTS

NEW YORK

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March 5, 2024

VIA ELECTRONIC MAIL

Re: H.B. 7577: An Act Relating To Health And Safety -- Health Care Provider Shield Bill

Dear Chair Craven and Members of the Committee on Judiciary:

The Center for Reproductive Rights (“Center”) is a legal advocacy organization that uses the power of law to advance reproductive rights as fundamental human rights around the world. As a part of our mission, we aim to ensure that all people have meaningful access to abortion care and other reproductive health care services.

The Center strongly supports H.B. 7577 and the full range of interstate shield protections it includes. Almost two years after the United States Supreme Court overturned *Roe v. Wade*, it is imperative that Rhode Island and other states continue responding to the public health and human rights crisis unfolding across the United States as a result of *Dobbs v. Jackson Women’s Health Organization*. In the last 20 months, 14 states have criminalized abortion—nearly 25% of the US population live in those states and have almost no access to reproductive autonomy. In 2022, 42 independent abortion clinics closed and, in 2023, 23 more independent abortion clinics closed.¹ Providers are leaving states where abortion has been criminalized² and medical residents are less likely to commit to residencies in those states.³ States committed to reproductive autonomy can and should fill this devastating gap in care and access. If enacted, H.B. 7577 will ensure that providers in Rhode Island can continue to provide essential healthcare to Rhode Islanders and others without fear of civil and criminal liability, licensure or medical malpractice penalties, and with the full support and protection of the state.

¹ *Communities Need Clinics: The Abortion Care Ecosystem Depends on Independent Clinics*, Abortion Care Network (2023), <https://abortioncarenetwork.org/wp-content/uploads/2023/12/cnc23-v5-WEB.pdf>.

² Angela Palermo, *Idaho has lost 22% of its practicing obstetricians in the last 15 months, report says*, Idaho Statesman (Feb. 20, 2024, 12:18 PM), <https://www.idahostatesman.com/living/health-fitness/article285692341.html>.

³ Kellen Mermin-Bunnell et al., *Abortion restrictions and medical residency applications*, J. Med. Ethics (Dec. 5, 2023), DOI: 10.1136/jme-2023-109190.

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The Supreme Court’s decision to overturn *Roe v. Wade* empowered state officials hostile to reproductive rights to reach outside of their states to chill the legal provision of care in other states. While Rhode Island protects the right to abortion, this protection alone will not stop states hostile to abortion rights from attempts to prevent abortion providers from delivering essential healthcare services. Now, more than ever, Rhode Island must protect providers, helpers, and shield patients’ medical records from anti-abortion state officials outside of Rhode Island. Seventeen states and the District of Columbia have enacted similar shield laws; providers in those states have reported more confidence in their ability to continue providing care to their patients.

H.B. 7577 includes critical protections:

- *Protecting “Legally protected healthcare activity”*: Attacks on gender affirming care mirror the attacks on abortion rights and reproductive rights and come from the same legislators, judges, and advocates. Protecting this essential healthcare together will ensure continued access to care for all Rhode Islanders.
 - *11 states and D.C. have protected reproductive and gender affirming care.*
- *Prohibiting State Collaboration & Requiring Attestations*: Prohibiting Rhode Island courts, public agencies, law enforcement, and state employees from collaborating with or expending resources on investigations originating in other states as well as requiring business entities not to comply with requests unless accompanied by an attestation will provide needed protections for Rhode Island providers and helpers.
 - *16 states and D.C. have enacted similar protections.*
- *Protecting Licensure & Employment*: Preventing adverse actions against individuals who provide legally protected health care activity allows these providers to continue providing care. Without these protections, private right of enforcement laws or “bounty hunter laws,” endanger abortion providers’ professional licensure and livelihood, which has created a chilling effect on the availability of care.
 - *16 states and D.C. have enacted similar protections.*
- *Protecting Medical Malpractice*: Providers have described malpractice policies as a major barrier to continuing care

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provision; prohibiting adverse actions will allow providers to continue practicing.

- *8 states have enacted similar protections.*
- *Protecting Privacy:* Protecting providers' contact information and prohibiting ex parte orders for wiretapping or eavesdropping will keep providers and helpers safe.
 - *16 states have enacted similar protections.*
- *Prohibiting Extradition:* Prohibiting the extradition of people accused of engaging in, aiding, or assisting with legally protected healthcare activity ensures that providers and helpers and patients who remain in Rhode Island are beyond the reach of states hostile to bodily autonomy.
 - *16 states have enacted similar protections.*
- *Relief After Hostile Litigation ("Clawback"):* Allowing Rhode Islanders subject to hostile litigation to seek relief in Rhode Island courts would provide relief for those impacted by laws passed in states like Texas, Oklahoma, and Idaho that allow private citizens to sue individuals who provide or assist in the provision of an abortion care.
 - *12 States and D.C. have enacted similar protections.*

Without these critical shield protections, providers and helpers in Rhode Island could risk serious civil and criminal liability if they provide essential healthcare to Rhode Islanders and nonresidents from states that have criminalized these services.

Finally, shield protections that apply regardless of the patient's location allow the most vulnerable abortion or gender affirming care seekers to access care without the added disruption of interstate travel and days away from family, work, and school responsibilities. For abortion seekers in hostile and ban states – including young people, people of limited means, people without documentation – accessing care from a provider in Rhode Island may be the only option they are comfortable with and could be the difference between exercising their human right to bodily autonomy and state-sanctioned forced pregnancy. By expanding shield protections regardless of the patient's location, Rhode Island would ensure that providers are protected from licensure penalties, extradition, and forced cooperation with hostile state investigations about lawful care that the provider provided while present in Rhode Island. Colorado,

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Massachusetts, New York, Vermont, and Washington⁴ have enacted this protection and providers in those states have provided care to thousands of patients each month.⁵

H.B. 7577 could alleviate the strain on Rhode Island's abortion and gender affirming care infrastructure and providers. If less medication abortion or gender affirming care seekers are compelled to travel for care, in-person appointments would become available for residents and nonresidents alike, helping address the weeks-long waiting lists and round-the-clock care that providers are reporting.

For these reasons, the Center for Reproductive Rights strongly supports H.B. 7577. Thank you for the opportunity to provide testimony. Please do not hesitate to contact me if you have questions or would like further information.

Sincerely,



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⁴ See S.B. 23-188, 74th Gen. Assemb., Reg. Sess. (Colo. 2023); H.B. 5090, 2022 Leg. Reg. Sess. (Ma. 2022); S.B. 9039, 2022 Leg. Reg. Sess. (N.Y. 2022); H.B. 89, 77th Gen. Assemb., Reg. Sess. (Vt. 2023); S.B. 37, 77th Gen. Assemb., Reg. Sess. (Vt. 2023); H.B. 1469, 2023 Leg., Reg. Sess. (Wash. 2023).

⁵ Pam Belluck, *Abortion Shield Laws: A New War Between the States*, The New York Times (Feb. 23, 2024), <https://www.nytimes.com/2024/02/22/health/abortion-shield-laws-telemedicine.html>.