

[117H8297EH]



(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.**

To prohibit the interference, under color of State law, with the provision of interstate abortion services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. FLETCHER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

**A BILL**

To prohibit the interference, under color of State law, with the provision of interstate abortion services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Women’s  
5 Right to Reproductive Freedom Act”.

1 **SEC. 2. INTERFERENCE WITH INTERSTATE ABORTION**  
2 **SERVICES PROHIBITED.**

3 (a) INTERFERENCE PROHIBITED.—No person acting  
4 under color of State law, including any person who, by  
5 operation of a provision of State law, is permitted to im-  
6 plement or enforce State law, may prevent, restrict, or im-  
7 pede, or retaliate against, in any manner—

8 (1) a health care provider’s ability to provide,  
9 initiate, or otherwise enable an abortion service that  
10 is lawful in the State in which the service is to be  
11 provided to a patient who does not reside in that  
12 State;

13 (2) any person or entity’s ability to assist a  
14 health care provider to provide, initiate, or otherwise  
15 enable an abortion service that is lawful in the State  
16 in which the service is to be provided to a patient  
17 who does not reside in that State, if such assistance  
18 does not violate the law of that State;

19 (3) any person’s ability to travel across a State  
20 line for the purpose of obtaining an abortion service  
21 that is lawful in the State in which the service is to  
22 be provided;

23 (4) any person’s or entity’s ability to assist an-  
24 other person traveling across a State line for the  
25 purpose of obtaining an abortion service that is law-

1       ful in the State in which the service is to be pro-  
2       vided; or

3               (5) the movement in interstate commerce, in ac-  
4       cordance with Federal law or regulation, of any drug  
5       approved or licensed by the Food and Drug Admin-  
6       istration for the termination of a pregnancy.

7       (b) ENFORCEMENT BY ATTORNEY GENERAL.—The  
8       Attorney General may bring a civil action in the appro-  
9       priate United States district court against any person who  
10      violates subsection (a) for declaratory and injunctive relief.

11      (c) PRIVATE RIGHT OF ACTION.—Any person who is  
12      harmed by a violation of subsection (a) may bring a civil  
13      action in the appropriate United States district court  
14      against the person who violated such subsection for declar-  
15      atory and injunctive relief, and for such compensatory  
16      damages as the court determines appropriate, including  
17      for economic losses and for emotional pain and suffering.  
18      The court may, in addition, award reasonable attorney’s  
19      fees and costs of the action to a prevailing plaintiff.

20      (d) DEFINITIONS.—In this section:

21              (1) The term “abortion service” means—

22                      (A) an abortion, including the use of any  
23                      drug approved or licensed by the Food and  
24                      Drug Administration for the termination of a  
25                      pregnancy; and

1 (B) any health care service related to or  
2 provided in conjunction with an abortion  
3 (whether or not provided at the same time or  
4 on the same day as the abortion).

5 (2) The term “health care provider” means any  
6 entity or individual (including any physician, cer-  
7 tified nurse-midwife, nurse practitioner, physician’s  
8 assistant, or pharmacist) that is—

9 (A) engaged or seeks to engage in the de-  
10 livery of health care services, including abortion  
11 services; and

12 (B) licensed or certified to perform such  
13 service under applicable State law.

14 (3) The term “drug” has the meaning given  
15 such term in section 201 of the Federal Food, Drug,  
16 and Cosmetic Act (21 U.S.C. 321).

17 (4) The term “State” includes the several  
18 States, the District of Columbia, the Commonwealth  
19 of Puerto Rico, the United States Virgin Islands,  
20 American Samoa, Guam, the Northern Mariana Is-  
21 lands, each Indian tribe, and each territory or pos-  
22 session of the United States.

23 (e) SEVERABILITY.—If any provision of this Act, or  
24 the application of such provision to any person, entity,  
25 government, or circumstance, is held to be unconstitu-

1 tional, the remainder of this Act, or the application of such  
2 provision to all other persons, entities, governments, or  
3 circumstances, shall not be affected thereby.

4 (f) **RULE OF CONSTRUCTION.**—Nothing in this Act  
5 shall be construed to limit the fundamental right to travel  
6 within the United States, including the District of Colum-  
7 bia, Tribal lands, and the territories of the United States,  
8 nor to limit any existing enforcement authority of the At-  
9 torney General or any existing remedies available to ad-  
10 dress a violation of such right.