

[118H782]

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(Original Signature of Member)

119TH 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.