

117TH CONGRESS
2^D SESSION

S. RES.

Expressing opposition to the criminalization of essential healthcare, including the full range of sexual and reproductive healthcare such as abortion, gender-affirming care, and contraceptive care, and disapproving of the criminalization of pregnancy outcomes.

IN THE SENATE OF THE UNITED STATES

Ms. DUCKWORTH submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing opposition to the criminalization of essential healthcare, including the full range of sexual and reproductive healthcare such as abortion, gender-affirming care, and contraceptive care, and disapproving of the criminalization of pregnancy outcomes.

Whereas access to the full range of sexual, gender-affirming, and reproductive healthcare, including abortion, is essential to the health and well-being of all people;

Whereas reproductive and sexual healthcare providers, and those who support people making important healthcare decisions, provide high-quality, essential healthcare and play a critical role in ensuring people are able to make decisions about their bodies and lives with dignity, empathy, compassion, and respect;

Whereas no one should be criminalized for providing essential healthcare;

Whereas no one should be criminalized for their pregnancy outcomes, for using contraception, or for obtaining gender-affirming care;

Whereas States and localities have attempted to prohibit healthcare providers from providing gender-affirming and reproductive healthcare, including abortion care, to patients;

Whereas people have been prosecuted in the United States for their actions during pregnancy that allegedly caused harm or risk to their pregnancies;

Whereas people have been forced to undergo unwanted medical procedures or surgical interventions, including involuntary sterilization and cesarean sections, prosecuted for not seeking healthcare, prosecuted for experiencing a miscarriage or stillbirth, criminalized for alcohol and drug use during pregnancy, and prosecuted for self-managing an abortion;

Whereas groups like the American Medical Association, American Public Health Association, American Academy of Pediatrics, American Society of Addiction Medicine, the American College of Obstetricians and Gynecologists, the American Bar Association, and others oppose the criminalization of healthcare provision and the criminalization of pregnancy outcomes;

Whereas the threat of criminalization or prosecution can result in negative outcomes by intimidating people from seeking or providing care;

Whereas abortion and gender-affirming care have become increasingly restricted in the United States;

Whereas research shows there is an increased need and demand for pills to self-manage an abortion in States with abortion restrictions, and that self-managed abortion with access to medications and accurate information is safe;

Whereas the reasons why people self-manage an abortion are varied and valid;

Whereas healthcare providers have an ethical obligation to provide essential care to their patients and to protect the private medical information integral to the patient-provider relationship;

Whereas even when charges are dropped or the defendant is exonerated, the turmoil caused by arrest or prosecution is irreparable;

Whereas several States have taken steps to repeal or reform laws that had been used to criminalize pregnancy outcomes and to increase access to abortion, contraception, and gender-affirming care;

Whereas Black, indigenous, and people of color, people with low incomes, LGBTQ+ individuals, and other marginalized individuals are disproportionately likely to be surveilled, arrested, charged, prosecuted, convicted, and heavily punished within the criminal justice system;

Whereas Black, indigenous, and people of color, people with low incomes, LGBTQ+ individuals, and other marginalized individuals are more likely, due to persistent disparities, to experience adverse pregnancy outcomes that place them under the scrutiny of the legal system; and

Whereas punishing people for their pregnancy outcomes or for providing essential reproductive and sexual healthcare violates their fundamental rights: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the misapplication of criminal
3 laws to punish people for the outcomes of their preg-
4 nancies;

5 (2) affirms that people deserve access to high-
6 quality healthcare without fear of reprisal or punish-
7 ment;

8 (3) condemns the criminalization of providing
9 essential healthcare;

10 (4) affirms the ethical obligations of healthcare
11 providers to safeguard patient privacy; and

12 (5)(A) declares a vision for a future where ac-
13 cess to abortion, contraception, and gender-affirming
14 care is free from restrictions and bans universally,
15 and people are able to manage care on their own
16 terms, free from discrimination or punishment; and

17 (B) affirms the commitment of the Senate to
18 working toward this goal in partnership with pro-
19 viders, patients, advocates, and their communities.