

The Women's Health Protection Act

-- Talking Points --

The Problem

- ◆ Many abortion providers have compromised the standard of care for counseling and screening of patients in order to reduce costs and maximize profits.
- ◆ In hundreds of cases each day, known risk factors for physical and psychological complications are not being detected.
- ◆ Women are suffering from avoidable physical and psychological complications that may have been prevented or minimized if the proper pre-abortion screening standards had been met.
- ◆ Without adequate screening for risk factors it is impossible for abortion providers to give accurate information about risks to women based on their individual risk profile.

What the Women's Health Protection Act Does

- ◆ It clarifies in statute the duty of physicians to screen for risk factors which place women at higher risk of physical or negative complications of abortion.
- ◆ It restores the accountability of physicians for making informed medical recommendations based on each woman's individual risk profile.
- ◆ It better protects women from undergoing coerced abortions, which is a major risk factor for severe post-abortion psychological problems.
- ◆ It strengthens the Women's Right to Know Law by ensuring that women are given not only the general information about abortion risks, but also the specific information most relevant to individual women according to their own unique risk factors.
- ◆ It removes legal obstacles which typically make it difficult or impossible for women suffering injuries from abortion from winning and collecting a judgment for damages.
- ◆ It better protects women from illegal abortions and/or marketing of self-abortion kits.

What the Women's Health Protection Act Does NOT Do

- ◆ It does not impose any burdens on women seeking abortions.
- ◆ It does not ban any abortions, even in those cases where a woman may be at higher risk of one or more adverse reactions.
- ◆ It does not impose any requirements on abortion providers that are contrary to the standard of care for screening that applies to other medical procedures.
- ◆ It does not require any enforcement by the State. The provisions of the bill are enforced solely by injured women through civil remedies.

The Benefits

- ◆ It will reduce abortion rates by helping many women who are at highest risk of suffering complications from the abortion to give stronger consideration to the option of childbirth, which will often involve fewer risks.
- ◆ It will reduce abortion rates, particularly among those women who would otherwise be pressured into abortion by others.
- ◆ It will reduce the number of physical and/or psychological injuries suffered by women either through better preventative measures or in cases where higher risk abortion-minded patients, in consultation with their physician, choose to give birth.
- ◆ It will reverse the decline in the standard of care in abortion clinics.
- ◆ It will immediately protect women since the statute of limitations for negligent screening is tolled until all legal challenges are settled. Moreover, since it erects no threats of criminal penalties or loss of license, it provides no basis for abortion providers to sue the state, as affirmed in *Okpalobi v Foster*, 244 F_3d 405 (5th Cir_2001)