

118TH CONGRESS
1ST SESSION

H. R. 782

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

FEBRUARY 2, 2023

Mrs. FLETCHER (for herself, Mr. RASKIN, Ms. STRICKLAND, Ms. ADAMS, Mr. ALLRED, Mr. AUCHINCLOSS, Ms. BALINT, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BEYER, Mr. BERA, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BOWMAN, Mr. BOYLE of Pennsylvania, Ms. BROWNLEY, Ms. BUDZINSKI, Ms. BUSH, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARTER of Louisiana, Mr. CASAR, Mr. CASTEN, Ms. CASTOR of Florida, Mrs. CHERFILUS-McCORMICK, Ms. CHU, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CONNOLLY, Mr. CORREA, Ms. CRAIG, Ms. CROCKETT, Mr. CROW, Ms. DEAN of Pennsylvania, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DELUZIO, Mr. DESAULNIER, Mrs. DINGELL, Mr. DOGGETT, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Mr. FOSTER, Mrs. FOUSHEE, Ms. LOIS FRANKEL of Florida, Mr. FROST, Mr. GARAMENDI, Ms. GARCIA of Texas, Mr. ROBERT GARCIA of California, Mr. GOMEZ, Mr. GOTTHEIMER, Mr. GREEN of Texas, Mrs. HAYES, Mr. HIGGINS of New York, Mr. HIMES, Mr. HORSFORD, Mr. HUFFMAN, Mr. IVEY, Ms. JACKSON LEE, Ms. JACOBS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM of New Jersey, Ms. KUSTER, Mr. LANDSMAN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Ms. LEGER FERNANDEZ, Mr. LEVIN, Mr. LIEU, Ms. LOFGREN, Mr. LYNCH, Mr. MAGAZINER, Ms. MANNING, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCGARVEY, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. MOORE of Wisconsin, Mr. MORELLE, Mr. MOSKOWITZ, Mr. MOULTON, Mr. MULLIN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PAYNE, Mr. PETERS, Ms. PETERSEN, Mr. PHILLIPS, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Ms. ROSS, Mr. RUIZ, Mr. RUPPERSBERGER, Mr. RYAN, Ms. SALINAS, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Ms. SCHOLTEN, Ms. SCHRIER, Mr. SCOTT of Virginia, Ms. SEWELL, Mr. SHERMAN, Ms. SHERRILL, Mr. SMITH of Washington, Mr. SORENSEN, Mr. SOTO, Ms. STANSBURY, Ms. STEVENS, Mr. SWALWELL, Mr. TAKANO, Mr. THOMPSON of California,

Ms. TITUS, Ms. TLAIB, Mr. TONKO, Ms. TOKUDA, Mrs. TORRES of California, Mr. TORRES of New York, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WEXTON, Ms. WILD, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, and Ms. PEREZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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”.

6 **SEC. 2. INTERFERENCE WITH INTERSTATE ABORTION**
 7 **SERVICES PROHIBITED.**

8 (a) INTERFERENCE PROHIBITED.—No person acting
 9 under color of State law, including any person who, by
 10 operation of a provision of State law, is permitted to im-
 11 plement or enforce State law, may prevent, restrict, or im-
 12 pede, or retaliate against, in any manner—

13 (1) a health care provider’s ability to provide,
 14 initiate, or otherwise enable an abortion service that
 15 is lawful in the State in which the service is to be

1 provided to a patient who does not reside in that
2 State;

3 (2) any person or entity's ability to assist a
4 health care provider to provide, initiate, or otherwise
5 enable an abortion service that is lawful in the State
6 in which the service is to be provided to a patient
7 who does not reside in that State, if such assistance
8 does not violate the law of that State;

9 (3) any person's ability to travel across a State
10 line for the purpose of obtaining an abortion service
11 that is lawful in the State in which the service is to
12 be provided;

13 (4) any person's or entity's ability to assist an-
14 other person traveling across a State line for the
15 purpose of obtaining an abortion service that is law-
16 ful in the State in which the service is to be pro-
17 vided; or

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

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

1 (c) PRIVATE RIGHT OF ACTION.—Any person who is
2 harmed by a violation of subsection (a) may bring a civil
3 action in the appropriate United States district court
4 against the person who violated such subsection for declar-
5 atory and injunctive relief, and for such compensatory
6 damages as the court determines appropriate, including
7 for economic losses and for emotional pain and suffering.
8 The court may, in addition, award reasonable attorney’s
9 fees and costs of the action to a prevailing plaintiff.

10 (d) DEFINITIONS.—In this section:

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

12 (A) an abortion, including the use of any
13 drug approved or licensed by the Food and
14 Drug Administration for the termination of a
15 pregnancy; and

16 (B) any health care service related to or
17 provided in conjunction with an abortion
18 (whether or not provided at the same time or
19 on the same day as the abortion).

20 (2) The term “health care provider” means any
21 entity or individual (including any physician, cer-
22 tified nurse-midwife, nurse practitioner, physician’s
23 assistant, or pharmacist) that is—

1 (A) engaged or seeks to engage in the de-
2 livery of health care services, including abortion
3 services; and

4 (B) licensed or certified to perform such
5 service under applicable State law.

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

9 (4) The term “State” includes the several
10 States, the District of Columbia, the Commonwealth
11 of Puerto Rico, the United States Virgin Islands,
12 American Samoa, Guam, the Northern Mariana Is-
13 lands, each Indian tribe, and each territory or pos-
14 session of the United States.

15 (e) SEVERABILITY.—If any provision of this Act, or
16 the application of such provision to any person, entity,
17 government, or circumstance, is held to be unconstitu-
18 tional, the remainder of this Act, or the application of such
19 provision to all other persons, entities, governments, or
20 circumstances, shall not be affected thereby.

21 (f) RULE OF CONSTRUCTION.—Nothing in this Act
22 shall be construed to limit the fundamental right to travel
23 within the United States, including the District of Colum-
24 bia, Tribal lands, and the territories of the United States,
25 nor to limit any existing enforcement authority of the At-

- 1 torney General or any existing remedies available to ad-
- 2 dress a violation of such right.

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