

Proposed HHS Rule Attacks Women's Access to Birth Control

A draft rule being circulated by the Bush Administration could significantly threaten the ability of women to receive information and reproductive health care, including birth control.

- This rule expands existing law intended for abortion to include commonly used forms of contraception, including many forms of birth control pills, IUDs and emergency contraception – an interpretation at odds with science and far beyond what Congress intended.
- This rule could allow patients to be denied information about medically appropriate and necessary services, denying patients the right to informed consent.
- It could undermine state laws that protect women's access to birth control and other basic reproductive health care, including laws that:
 - Require insurance plans that cover other prescription drugs to cover birth control
 - Ensure rape victims get timely access to emergency contraception
 - Ensure that women enrolled in state Medicaid HMOs can access family planning services directly
 - Ensure that pharmacies provide timely access to birth control without discrimination or delay
 - Ensure that hospital mergers and sales do not deprive communities of needed reproductive health services

This rule goes too far.

- This rule redefines pregnancy as beginning prior to implantation, and describes widely-used forms of contraception as abortion.
- The definition of pregnancy in this rule contradicts the long-standing medical definition of pregnancy contained in federal policy.
- Voters want policy-makers to improve women's access to birth control – not undermine it:
 - An overwhelming majority of voters (73%) strongly favor making it easier for women at all income levels to obtain contraceptives.

This rule is not what Congress intended.

- This rule claims to only provide guidance on current legal obligations on recipients of federal funds, but it goes far beyond the clear legislative intent of those laws.
- This rule would expand the reach of laws which were only intended to cover abortion and sterilization to cover some of the most commonly used forms of birth control.

This rule leaves a host of unanswered questions that could have an enormous impact on the care that millions of Americans receive.

- It could undermine employers' efforts to balance respect for their employees' religious beliefs with meeting their patients' health care needs:
 - Title VII, the federal employment antidiscrimination law, already requires employers to accommodate religious employees
 - This regulation will lead employers to believe that they cannot make accommodations that meet the needs of both religious employees and patients needing access to health care services and information
- It could result in states losing the millions of dollars in federal funds they depend on to provide care to their most vulnerable residents.
- It could have a serious impact on the Title X family planning program, the cornerstone of our nation's effort to improve access to birth control and prevent unintended pregnancies.