

The Pitts Bill (H.R. 358): A Dangerous Bill that Threatens Women's Health and Lives

H.R. 358, authored by Representative Joe Pitts (R-PA), is a dangerous bill that threatens women's ability to purchase health insurance that includes abortion coverage and creates dangerous new rules that will harm women's health—and even risk women's lives.

H.R. 358 Would Prevent Millions of Women from Purchasing Insurance Coverage that Includes Abortion. H.R. 358 would, in effect, eliminate abortion coverage in any newly-created health insurance exchange. The bill prohibits all individuals who receive premium assistance credits under the Affordable Care Act, the new health care law, from purchasing a health insurance plan that includes abortion coverage and prohibits insurance plans from covering abortion if they include even one individual who receives a subsidy. Taken together, these new restrictions will likely result in all health care plans dropping insurance coverage of abortion. Since most insurance plans currently cover abortion, H.R. 358 would *result in millions of women losing coverage they currently have*. These restrictions apply even for women who need abortion care in circumstances where she faces a serious health risk or there is a grave fetal anomaly.

The Pitts Bill Exempts Hospitals from Treating Women In Need of Emergency Abortion Care, Even if They Will Die Without It. H.R. 358 makes a hospital's obligations under the Emergency Medical Treatment and Active Labor Act (EMTALA) to provide stabilizing treatment to individuals in medical emergencies secondary to the right of a hospital to refuse to provide abortion care. In practice, this means that any hospital can refuse to perform an emergency abortion—even if a woman would die—without running afoul of the federal law designed to prevent individuals from being denied emergency medical treatment.

H.R. 358 Allows States to Exempt Insurance Companies from Complying with their Obligations Under the New Health Law In the Name of "Conscience" The Affordable Care Act included, as part of the compromise on abortion, a provision that made clear that nothing in the health care law would preempt state laws on abortion. H.R. 358 expands this provision, preventing the new health care law from preempting any state law - now or in the future - that has to do with "conscience rights." This loophole means that, under H.R. 358, a state could exempt any insurance plan from the new Affordable Care Act requirement that insurance plans cover contraception, the HPV vaccine, or any other essential health benefit if complying is against the health insurance plan's "conscience." In practice, this means that at least some *women will lose the contraceptive and other coverage to which they would otherwise be entitled*.

The Pitts Bill Contains Troubling New Rights to Refuse to Participate in Abortion Care that Go Beyond Already Dangerous Current Law. The Pitts bill expands and codifies the Weldon Amendment, as well as expands other existing federal refusal laws, without providing any patient protections. This includes writing into permanent law some elements of the disputed Bush Administration Refusal Rule, such as the ability of employees with only a tangential connection to abortion services, such as a janitor or a receptionist, to refuse to perform their duties.

*Please contact the National Women's Law Center at (202) 588-5180
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