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# The Weldon Amendment: An Anti-Abortion Weapon for the Trump Administration

A health care provider's personal beliefs should never block patient access to health care. Yet a federal law known as the Weldon Amendment<sup>1</sup> emboldens providers to allow their personal beliefs, instead of patient health and the standard of care, to determine the care a patient receives.

The Weldon Amendment is a provision that has been attached to the annual appropriations bill for the Departments of Labor, Health and Human Services, and Education in Congress since 2005 after being introduced by then-Representative David Weldon, an anti-abortion extremist.<sup>2</sup> It is written to prohibit any state or local government that receives federal health care funding from "discriminat[ing]" against health care entities—including hospitals, health insurance plans, doctors, and nurses—that refuse to provide, cover, pay for, or refer for abortion. But what the Weldon Amendment really does is encourage health care providers to discriminate against patients by denying them the care they need. There are no provisions in the Weldon Amendment to protect patient access to abortion services.<sup>3</sup>

By giving health care entities protections to refuse abortion care, the Weldon Amendment puts patients' health and lives in danger, even in states where abortion is legal. A single instance of refusal of care can lead to a patient never getting the care they need—or receiving it only after enduring significant delays and harm.<sup>4</sup> The impact of refusals of care has only worsened in the years following the *Dobbs v. Jackson Women's Health Organization* decision which overturned *Roe v. Wade*, declaring that there is no constitutional right to abortion.<sup>5</sup> Since *Dobbs*, reports of patients being turned away for essential medical care and urgent medical interventions continue to rise.<sup>6</sup>

The Weldon Amendment has also been weaponized by anti-abortion federal policymakers to penalize states that want to protect abortion access. The Weldon Amendment imposes an extreme, unprecedented penalty for violations: the potential loss of all federal health-related funds. In the hands of a federal government intent on blocking abortion access, the Weldon Amendment not only chills state or local efforts to protect patient access to abortion care but can force a state to choose between protecting its residents' access to abortion care or losing all of its federal funding, with devastating consequences to its residents broadly.

## The Trump administration has repeatedly weaponized the Weldon Amendment to threaten states and create harmful new policies allowing additional refusals of care.

For decades, the Weldon Amendment has loomed menacingly over states that want to protect abortion access. In the wrong hands, its extreme penalty has been used as a weapon to block states from ensuring their residents get the abortion care they need. The dangers of the Weldon Amendment are especially severe with the Trump administration's return to office.

In its first term, the Trump administration used the Weldon Amendment to threaten states and create harmful new policies. It weaponized the Weldon Amendment through coercive threats to withhold federal funds from states seeking to protect their residents' access to abortion. For example, in 2020, the Trump administration announced it would withhold \$200 million in federal Medicaid funds quarterly from California, asserting that the state's requirement that health plans include abortion coverage violated the Weldon Amendment.<sup>7</sup> The Trump administration took these measures even though no California official had taken any action against an entity covered by the Weldon Amendment that could constitute a violation of the law.<sup>8</sup>

The Trump Administration also relied on the Weldon Amendment for a range of efforts to deny patient care, including:

- Issuing a rule that attempted to allow anyone involved in the health care system—including a receptionist or scheduler—to refuse to do their job if the patient was seeking abortion care, and to allow health care providers to refuse to provide important relevant information to patients.<sup>9</sup>
- Finalizing rules that allowed sweeping exemptions to the Affordable Care Act's contraceptive coverage requirement, leaving employees and students without birth control coverage.<sup>10</sup>
- Eliminating an important requirement that Title X family planning clinics provide pregnancy options counseling.<sup>11</sup>
- Opening an office within the Department of Health and Human Services solely dedicated to

emboldening health care providers and institutions to use personal beliefs to discriminate against patients.<sup>12</sup>

In its second term, the Trump administration has once again weaponized the Weldon Amendment to coerce states seeking to protect abortion rights. In January 2026, the administration threatened to withhold funding from Illinois, due to state law provisions designed to protect patients in situations where a healthcare provider refuses to provide a patient with health care on the basis of their personal beliefs.<sup>13</sup> Then, just two months later, in March 2026, the administration announced investigations into 13 states, citing violations of the Weldon Amendment because those states help guarantee insurance coverage of abortion for their residents.<sup>14</sup>

These efforts underscore the Trump-Vance administration's commitment to using the Weldon amendment as a bullying tactic to advance its anti-patient health care and anti-abortion agenda.

## The harms of the Weldon Amendment are magnified in a post-Roe v. Wade world.

Following the Supreme Court taking away the federal constitutional right to abortion, it is more critical than ever that the states seeking to protect abortion access can do so without retaliation. However, the Weldon Amendment puts a target on the backs of state policymakers who want to help their residents access the care they need—threatening to withhold millions of dollars of critical funding to their states.

*Dobbs* has emboldened state legislators who want to ban abortion, with more than a dozen states banning abortion in the immediate wake of *Dobbs*, and other state legislators continuing to push for abortion restrictions and bans.<sup>15</sup> On the other hand, there are many state legislators who want to protect abortion access, both for their constituents and for patients who must travel to another state in order to get the care they need. Data show that many pregnant patients are leaving their states to access abortion care: in the months following the *Dobbs* decision, 11,980 more people had abortions in states where it remained legal compared to pre-*Dobbs* figures.<sup>16</sup> Interstate travel for abortion care has dramatically surged since 2020, with nearly one in five abortion patients traveling out of state for care in the first six months of 2023,<sup>17</sup> and it remains double what it was pre-*Dobbs*.<sup>18</sup>

The *Dobbs* decision unleashed a public health care crisis in this country, with many states banning abortion and creating care deserts across huge swaths of the country, patients being forced to travel farther distances to receive abortion care (if they're able to receive care at all), and providers being forced to leave states with strict abortion bans because of how fraught their work has become in those states. States that seek to protect and expand access to this essential health care must be able to do so. The Weldon Amendment threatens those states with harsh penalties while allowing, and even encouraging, health care entities to refuse to provide abortion care.

## **The public supports eliminating the Weldon Amendment, and Congress must do so urgently.**

Policies like the Weldon Amendment are contrary to what voters want. Polling has found that a majority of voters oppose laws emboldening health care entities, providers, and hospitals to refuse to provide abortion care based on religious or personal beliefs.<sup>19</sup>

Recognizing the harm of the Weldon Amendment, both the U.S. House and Senate made historic progress by removing the Weldon Amendment from their appropriations bills in Fiscal Years 2022 and 2023, an important sign of progress.<sup>20</sup> However, Congress eventually included the Weldon Amendment in the final appropriations package for both years—and unfortunately it has remained in law since then.

The dangers of the Weldon Amendment have never been greater. States are continuing to enact bans and restrictions on abortion care, while an authoritarian presidential administration is intent on punishing those who protect access to abortion. With courts stacked with anti-abortion judges, our policymakers must do everything in their power to safeguard abortion rights at this critical moment. To ensure that everyone has the freedom to control their own bodies, lives, and futures, the Weldon Amendment must be eliminated.

- 1 Originally adopted as section 508(d) of the Labor-HHS Division (Division F) of the 2005 Consolidated Appropriations Act, the Weldon Amendment was first signed into law by President George W. Bush on December 8, 2004. [Public Law 108-447](#), 118 Stat. 2809, 3163 (Dec. 8, 2004).
- 2 See Bridget Winkler, *David Weldon: The Anti-Abortion Supervillain You've Probably Never Heard of*, NWLC (March 4, 2025), <https://nwl.org/david-weldon-the-anti-abortion-supervillain-youve-probably-never-heard-of/>; see also NWLC Reacts to David Weldon's Withdrawal as CDC Nominee, NWLC Press Release (March 13, 2025), <https://nwl.org/press-release/nwlc-reacts-to-david-weldons-withdrawal-as-cdc-nominee/>.
- 3 There are other federal laws that offer protections for patients from refusals of care, such as the Emergency Medical Treatment and Active Labor Act (EMTALA) and the non-discrimination provision (Section 1557) of the Affordable Care Act. Yet, the Weldon Amendment's lack of patient protections has caused confusion about the application of those laws, and emboldens health care entities to refuse care despite the requirements of these and other federal laws.
- 4 *Refusals to Provide Health Care Threaten the Health and Lives of Patients Nationwide*, National Women's Law Center (May 15, 2023), <https://nwl.org/resource/refusals-to-provide-health-care-threaten-the-health-and-lives-of-patients-nationwide-2/>.
- 5 *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct.2228, 2242 (2022).
- 6 Kate Zernike, *Medical Impact of Roe Reversal Goes Well Beyond Abortion Clinics*, Doctors Say, N.Y. TIMES (Sept. 10, 2022), <https://www.nytimes.com/2022/09/10/us/abortion-bans-medical-care-women.html> ("Several high-profile cases of women denied abortion care have captured headlines and set doctors on edge. But doctors say these extreme cases are not isolated; hospitals are routinely refusing or delaying care.")
- 7 U.S. DEP'T OF HEALTH AND HUMAN SERVS., HHS TO DISALLOW \$200M IN CALIFORNIA MEDICAID FUNDS DUE TO UNLAWFUL ABORTION INSURANCE MANDATE; REFERS VERMONT MEDICAL CENTER TO DOJ FOR LAWSUIT OVER CONSCIENCE VIOLATIONS (Dec. 16, 2020), <https://www.hhs.gov/about/news/2020/12/16/hhsdisallow-200m-california-medicaid-funds-due-unlawful-abortion-insurance-mandate.html>. In January 2020, the Trump Administration issued a notice of violation to the state of California. See U.S. DEP'T OF HEALTH AND HUMAN SERVS., HHS ISSUES NOTICE OF VIOLATION TO CALIFORNIA FOR ITS ABORTION COVERAGE MANDATE (Jan. 24, 2020), <https://www.hhs.gov/about/news/2020/01/24>.
- 8 In 2019, the Trump Administration also conducted two other Weldon Amendment investigations against California and Hawaii for laws meant to protect patients who seek care at anti-abortion centers, also known as crisis pregnancy centers. See U.S. DEP'T OF HEALTH AND HUMAN SERVS., Letter re: Notice of Resolution of OCR Transaction Numbers 17-282090 & 18-292853 (Mar 21, 2019), <https://www.hhs.gov/sites/default/files/hawaii-ocr-notice-of-resolution-final.pdf>; See Carolyn Y. Johnson, *Trump administration hammers California over defunct crisis pregnancy center law before March for Life rally*, WAPo (Jan. 18, 2019), <https://www.washingtonpost.com/health/2019/01/18/symbolic-move-hhs-finds-california-law-violated-federal-conscience-protections/>.
- 9 The rule proposed by the Trump administration never went into effect because it was blocked by multiple federal courts. *Protecting Statutory Conscience Rights in Health Care*; *Delegations of Authority*, 84 Fed. Reg. 23,170 (proposed May 21, 2019) (to be codified at 45 C.F.R. pt. 88). The Biden administration finalized a new rule in March 2024 that rescinded many of the onerous and harmful provisions of the Trump rule. *Safeguarding the Rights of Conscience as Protected by Federal Statutes*, 45 C.F.R. pt. 88 (2024).
- 10 During President Trump's first term, the administration issued final rules allowing virtually any employer to refuse to provide contraceptive coverage, for any reason, referencing the Weldon Amendment as a justification. *RELIGIOUS EXEMPTIONS AND ACCOMMODATIONS FOR COVERAGE OF CERTAIN PREVENTIVE SERVICES UNDER THE AFFORDABLE CARE ACT*, 83 Fed. Reg. 57,536 (Nov. 15, 2018), <https://www.federalregister.gov/d/2018-24512/p-193>; *MORAL EXEMPTIONS AND ACCOMMODATIONS FOR COVERAGE OF CERTAIN PREVENTIVE SERVICES UNDER THE AFFORDABLE CARE ACT*, 82 Fed. Reg. 57,592 (Nov. 15, 2018), <https://www.federalregister.gov/d/2018-24514/p-307>. Those rules were challenged and are currently vacated nationwide. That decision is now on appeal to the U.S. Court of Appeals for the Third Circuit. *Pennsylvania v. Trump*, 795 F. Supp. 3d 607, 645 (E.D. Pa. 2025).
- 11 Compliance with Statutory Program Integrity Requirements, 84 Fed. Reg. 7,714 (Mar. 4, 2019). The Department of Health and Human Services has since rescinded large portions of this rule, including the harmful restrictions on pregnancy options counseling. 42 C.F.R. § 59, (Oct. 7, 2021), <https://public-inspection.federalregister.gov/2021-21542.pdf>
- 12 See U.S. DEP'T OF HEALTH AND HUMAN SERVS., HHS ANNOUNCES NEW CONSCIENCE AND RELIGIOUS FREEDOM DIVISION (Jan. 18, 2018), <https://www.hhs.gov/about/news/2018/01/18/hhs-ocr-announces-new-conscience-and-religious-freedom-division.html>.
- 13 U.S. DEP'T OF HEALTH AND HUMAN SERVS., PROTECTING CONSCIENCE RIGHTS IN HEALTH CARE, (Jan. 21, 2026); <https://www.hhs.gov/press-room/conscience-dlc.html>. The Trump administration specifically objected to amendments to the state's Health Care Rights of Conscience Act. Those amendments were added in 2016 to ensure that patients are able to access the care they need by requiring that a provider or health care institution inform patients about where to access medical care when they are unwilling to provide the care themselves because of a moral objection. *Health Care Right of Conscience Act*, 745 ILCS 70/1 et seq. (2021); <https://www.ilga.gov/Legislation/ILCS/Articles?ActID=2082&ChapterID=58>. The Trump administration threatened Illinois with penalties even though the 2016 amendments are being challenged in court and are not currently being enforced.
- 14 U.S. DEP'T OF HEALTH AND HUMAN SERVS., HHS OCR INVESTIGATES THIRTEEN STATE ABORTION COVERAGE MANDATES UNDER FEDERAL CONSCIENCE LAW, (Mar. 19 2026), <https://www.hhs.gov/press-room/hhs-ocr-investigates-thirteen-state-abortion-coverage-mandates-under-federal-conscience-law.html>.
- 15 Caroline Kitchener, N. Kirkpatrick, Daniel Santamariña, Kevin Schaul, and Lauren Tierney, *States Where Abortion is Legal, Banned or Under Threat*, THE WASHINGTON POST (last updated May 16, 2023, 10:13 AM), <https://www.washingtonpost.com/politics/2022/06/24/abortion-state-laws-criminalization-roe/>.
- 16 Society of Family Planning, *#WeCount Report* (Oct. 28, 2022), [https://www.societyfp.org/wp-content/uploads/2022/10/SFPWeCountReportAprtoAug2022\\_ReleaseOct2022-1.pdf](https://www.societyfp.org/wp-content/uploads/2022/10/SFPWeCountReportAprtoAug2022_ReleaseOct2022-1.pdf).
- 17 GUTTMACHER INST., THE HIGH TOLL OF US ABORTION BANS (2023), <https://www.guttmacher.org/2023/12/high-toll-us-abortion-bans-nearly-one-five-patients-now-traveling-out-state-abortion-care>.
- 18 Kaiser Family Found., *Key Facts on Abortion in the United States* (2026), <https://www.kff.org/womens-health-policy/key-facts-on-abortion-in-the-united-states/?entry=table-of-contents-where-do-people-get-abortion-care>.
- 19 Voters oppose refusals of care. Polling conducted in June 2022 found that a majority of voters (54%) in states where abortion is legal, oppose allowing health care providers to refuse abortion care based on their religious or personal beliefs and a majority of voters (57%) oppose allowing hospitals to refuse abortion care based on religious objections. Polling results on file with National Women's Law Center.
- 20 H.R. 2471, 117th Cong. (1st Sess. 2021) Fiscal Year 2022: <https://appropriations.house.gov/sites/republicans.appropriations.house.gov/files/documents/BILLS-117--AP--APOO-FY2022LHSSubcommitteeApproprationsBill.pdf>; *Senator Murry Statement on the Historic Introduction of the Senate LHHS Funding Bill Without the Hyde and Weldon Amendments; Groundbreaking Investments in Reproductive and Maternal Health*, (Oct. 18, 2021) <https://www.murray.senate.gov/record/117/statement-on-the-historic-introduction-of-the-senate-lhhs-funding-bill-without-the-hyde-and-weldon-amendments-groundbreaking-investments-in-reproductive-and-maternal-health/>. H.R. 8295, 117th Cong. (2d Sess. 2022) Fiscal Year 2023: <https://www.congress.gov/117/bills/hr/8295/BILLS-117hr8295rh.pdf>; *Chairman Leahy Releases Fiscal year 2023 Senate Appropriations Bills*, (July 28, 2022) <https://www.appropriations.senate.gov/news/majority/breaking-chairman-leahy-releases-fiscal-year-2023-senate-appropriations-bills>.