



**NATIONAL
WOMEN'S
LAW CENTER**

Justice for Her. Justice for All.

FEBRUARY 2025 | FACT SHEET

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 Amendment¹ allows personal beliefs, not 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. 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 allow 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.²

By giving health care entities free rein 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.³ The impact of refusals of care has only worsened following the *Dobbs v. Jackson Women's Health Organization* decision which overturned *Roe v. Wade*, unjustly declaring that there is no constitutional right to abortion.⁴ Since *Dobbs*, reports of patients being turned away for essential medical care and urgent medical interventions continue to rise.⁵

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 and anti-abortion policymakers weaponized Weldon to threaten states and create harmful new policies allowing additional refusals of care—and will likely do so again.

The dangers of the Weldon Amendment are especially severe now, with the Trump administration's return to office. 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. In its first term, the Trump administration weaponized the Weldon Amendment to threaten states that wanted 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.⁶ 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.⁷

The Weldon Amendment has also been used by anti-abortion policymakers to justify measures that would embolden even more refusals of care. For example, in its first term, the Trump Administration 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.⁸
- Finalizing rules that allowed sweeping exemptions to the Affordable Care Act's contraceptive coverage requirement, leaving employees and students without birth control coverage.⁹
- Eliminating an important requirement that Title X family planning clinics provide pregnancy options counseling.¹⁰

- 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.¹¹

There is every reason to believe that the Trump administration will once again weaponize the Weldon Amendment—and the stakes are even higher now that the constitutional right to abortion has been wrongfully overturned.

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 are able to do so without retaliation. However, Weldon 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 bans.¹² 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 shows that many pregnant patients are leaving their states to access abortion care: in the months right after the *Dobbs* decision, 11,980 more people had abortions in states where abortion was still legal compared to pre-*Dobbs*.¹³ And interstate travel for abortion care in the U.S. has doubled since 2020, with nearly one in five abortion patients traveling out of state to obtain abortion care in the first six months of 2023.¹⁴

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 in order to begin to address this crisis. 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.

Polling has found that a majority of voters oppose laws allowing health care entities, providers, and hospitals to refuse to provide abortion care based on religious or personal beliefs, meaning policies like the Weldon Amendment are contrary to what voters want.¹⁵

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.¹⁶ 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. With the Trump Administration returning to power, as states continue to enact bans and restrictions on abortion care, and as our courts remain stacked with anti-abortion judges, our policymakers must do everything in their power to protect abortion rights. In order 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 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.
- 3 *Refusals to Provide Health Care Threaten the Health and Lives of Patients Nationwide*, National Women's Law Center (May 15, 2023), <https://nwlc.org/resource/refusals-to-provide-health-care-threaten-the-health-and-lives-of-patients-nationwide-2/>.
- 4 *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct.2228, 2242 (2022).
- 5 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.")
- 6 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>.
- 7 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: <https://www.hhs.gov/guidance/document/ocr-issues-notice-resolution-state-hawaii-after-hawaii-takes-action-safeguarding>;
- 8 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).
- 9 *Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act*, 83 Fed. Reg. 57,536 (Nov. 15, 2018); *Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act*, 82 Fed. Reg. 57,592 (Nov. 15, 2018). The Departments of Health and Human Services, Labor, and Treasury proposed a regulation that would have rescinded the moral exemption and create a new pathway to contraceptive access for those impacted by the religious exemption. *Coverage of Certain Preventive Services Under the Affordable Care Act*, 88 Fed. Reg. 7236 (Feb. 2, 2023), <https://www.federalregister.gov/documents/2023/02/02/2023-01981/coverage-of-certain-preventive-services-under-the-affordable-care-act>. The regulation was ultimately rescinded by the Biden administration.
- 10 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>
- 11 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-ocrannounces-new-conscience-and-religious-freedom-division.html>.
- 12 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/>.
- 13 Society of Family Planning, *#WeCount Report* (Oct. 28, 2022), https://www.societyfp.org/wp-content/uploads/2022/10/SFPWeCountReportAprtoAug2022_ReleaseOct2022-1.pdf.
- 14 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>.
- 15 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.
- 16 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-AP00-FY2022LHHSSubcommitteeApproprationsBill.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/senator-murray-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>.