NATIONAL WOMEN'S LAW CENTER

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Refusal of Care Laws: A Threat to Both Patient Health and States' Protection of Abortion Access

What You Can Do To Put Patients First In Your State

Across the country, people are being denied the health care they want or need, not for medical or professional reasons, but because of the personal beliefs of the health care provider or the institution's affiliation. Denials range from abortion care (including miscarriage care), to contraceptives, to care for LGBTQIA+ individuals, fertility care, HIV and cancer treatments, and end of life care.

Denials of health care based on personal beliefs undermine health care access. They create yet another barrier in an already difficult-to-navigate medical system. Despite this harm, laws exist that allow denials of care. Federal and state refusal of care laws embolden hospitals, health insurance companies, and individual medical providers to deny patients health care—and sometimes even information or referrals. These laws encourage institutions or providers to place their political, religious, or otherwise personal beliefs over patient health while they pick-and-choose what care to provide and to whom, causing harm to people's health, dignity, equality, and rights.

Federal lawmakers passed the first refusal of care law in the U.S. in response to the Supreme Court's decision in *Roe v. Wade* in 1973 out of stigma-filled concerns that hospitals would be forced to provide abortion. They continued to develop this area of law—and the messaging around it—throughout the next several decades. The anti-abortion politicians who advanced refusal of care laws usurped anti-war "conscientious objector" language to misleadingly assign righteousness to their opposition to abortion care. These lawmakers also co-opted "anti-discrimination" language in refusal of care laws to allow entities and individual providers to claim that any attempt to ensure patient care or uphold legal, professional, or ethical obligations to provide care could be "discrimination." This, however, turns anti-discrimination law on its head and emboldens providers, health care facilities, or health insurance companies to deny care based on personal beliefs.

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While refusal of care laws have always threatened patients' access to health care, the danger they pose has increased in recent years. After the Supreme Court's decision to overturn *Roe v. Wade*, refusals of care proliferated. Some clinicians in states with abortion bans refused to provide care even in instances when it was allowed, for fear of criminal prosecution or legal liability. **But even in states where abortion is legal, denials of care are happening.** For example, NWLC's client in California was turned away by a hospital when she was suffering a life-threatening miscarriage, citing its religious affiliation. This problem will only grow as religiously affiliated hospital systems, particularly Catholic health systems governed by ethical and religious directives that prohibit some types of health care, continue to rapidly expand.

State Refusal of Care Laws

All states except two have their own refusal of care laws that embolden institutions and/or individual providers to withhold care, information, and referrals due to their personal, moral, or religious beliefs. The details of these policies differ from state to state: some are specific to the type of care that can be denied (e.g., abortion or sterilization) or who is permitted to deny care (e.g., a physician), while other state laws are so broad they permit any person to deny any type of health care service. No matter their reach, every refusal law permits a health care provider's personal beliefs or an institutional affiliation to dictate whether, and to what extent, a patient can receive the care—or even information about that care—that they want or need. *If you need support identifying what the refusal of care law in your state allows, please contact the National Women's Law Center (contact information below).*

In The States: What You Can Do

Repealing refusal of care laws—both at the state and federal level— is crucial to protecting abortion access and an important step in ensuring that patients can get the care they want and need.

One of the most critical actions that states can take to address denials of care is to repeal the laws that permit individual providers or institutions to deny health care based on personal beliefs or institutional affiliation. What's more, **refusal of care laws are not popular:** polling confirms that a majority of voters oppose policies that allow institutions or individual providers to refuse abortion care.

As we collectively build towards a world where abortion care is accessible for everyone and refusals of care are not permitted, states can consider the following actions to protect patient health in your state:

- **ADD PATIENT PROTECTIONS TO EXISTING REFUSAL LAWS.** Most states have their own laws that allow for denials of care, but few states have provisions that protect a patient's access to health care or information in the case of a refusal. This protection could look like ensuring that a refusal is not allowed if it would prevent patients from securing access to health care in a timely and respectful manner or requiring that the refusing provider continue to provide care until the patient can be transferred to another provider or institution. Consider adding specific requirements for patient protections to your state's refusal of care law—with an enforcement provision to ensure providers and institutions are accountable. Some examples from the states:

    - Louisiana's refusal law specifies that it only applies "to the extent that patient access to health care is not compromised" and requires that a health care facility that employs a refusing provider ensure that there is sufficient staff to provide patient care in the event that provider refuses to participate in providing care.

    - New Mexico's refusal law requires notice to the patient and continuation of their care until a transfer can take place.

- **ENSURE ANY NEW PROTECTION FOR ABORTION CARE DOES NOT ALLOW FOR REFUSALS OF CARE.** Legal protections for abortion access are eroded when refusals of care can occur. As states continue to bolster protections for abortion access, ensure that any protection for abortion care that is enacted in your state does not allow for refusals of care. This could be achieved, for example, by including a provision in any new abortion measure that the state refusal law does not apply.

    - For example: a state that is affirming health care providers' and institutions' obligations to provide stabilizing care, including abortion care (more on how states can protect emergency abortion care can be found in this resource), should ensure there are no personal refusals allowed. Any new protection should make it clear that existing state refusal of care laws do not apply, and make sure no new refusal language is added.

- **DEFEND AGAINST ATTEMPTS AT STATE REFUSAL LAW EXPANSION.** In recent years, anti-abortion lawmakers have attempted to expand state refusal laws, for example, by allowing them to reach more services and more individuals. Any expansion of refusal of care laws in the states is an attack on patient health. Connect and coordinate with relevant stakeholders, including state advocates, to defend against these attacks.

- **REQUIRE HEALTH CARE FACILITIES TO DISCLOSE REFUSALS OF CARE.** Health care facilities should disclose whether health care services are or may be subject to a denial based on a non-medical reason, so that patients have clear access to that information before even arriving at a facility. This could be limited to particular types of health care facilities, such as general hospitals or freestanding emergency departments, or specific types of health care, such as reproductive care, care for LGBTQIA+ communities, or end-of-life care (e.g., Colorado law that is linked below). Any refusal of care disclosure requirements should include enforcement and accountability mechanisms.

    - For example: in 2023, Colorado passed a health care transparency bill, requiring specified health care facilities to disclose what reproductive health services, LGBTQ health services, and end-of-life health services are not generally available or "subject to significant restriction." Colorado's implementation website can be found here.

- **RAISE AWARENESS AMONG PROVIDERS AND THE PUBLIC.** Providers should be clear on what their obligations are, and patients should rest assured they can receive the care they want or need. Oftentimes, providers are confused about what care they can provide or patients do not realize that their provider is denying them care. Raising awareness around what denials of care are and how they impact our health care system will demystify what care patients can access and what care providers can provide.

    - For example: public education can be achieved through a government-sponsored public information campaign, a legislative resolution or declaration, or state advocates collaborating with their state's hospital association or medical board.

- **PROTECT CLINICIANS WHO ARE WILLING TO PROVIDE CARE.** If your state protects those who refuse to provide health care, then it should also protect those who want to participate in abortion care. Clinicians who provide abortion care sometimes face employment consequences from current or prospective employers as a result of their provision of abortion care. Employment consequences can include being fired or demoted, having a job offer rescinded, or being denied residency—all because a clinician "moonlights" as an abortion provider, provides information about or referrals for abortion care, or even received training in abortion care. Consider passing employment protections for health care providers. Some examples:

    - Texas provides protections for hospital employees, including but not limited to providers, for their willingness to "participate in" abortion care in another facility.

    - Washington, DC offers providers protections against employment consequences for providing abortion care and sterilization.

Federal Refusal of Care Laws & States' Role in Challenging Them

In addition to state laws, there are various federal refusal of care laws (see this resource for a more in-depth look at these laws). These federal laws deepen existing harms resulting from lack of access to abortion care, and they make it more difficult for states to protect meaningful access to care.

Compounding this harm, the Trump administration is currently weaponizing these federal refusal of care laws against the states. In March 2026, for example, the administration announced it would be using the Weldon Amendment to target thirteen states that are protective of abortion care, threatening those states' federal funding by claiming there may be potential violations of federal law. Additionally, the Trump administration will likely create a new administrative rule attempting to broaden federal refusal laws, despite its prior attempt being blocked by federal courts. In addition to executive actions, Congress also occasionally attempts to expand refusal of care laws.

State lawmakers, advocates, and other stakeholders have an important role to play in resisting these federal attacks on abortion access and urging Congress to repeal federal refusal of care laws. Polling confirms that the public does not support these attacks on the states and views the federal actions as bullying (polling on file with NWLC). Ensuring your voice and the voice of your community is heard—whether through administrative comments, directly to Congress, or otherwise—is critical. Remaining firm against the administration's bullying and intimidation tactics demonstrates a commitment to protecting abortion care and patient health. The National Women's Law Center (contact information below) is here to support as a resource and collaborator in these efforts.

To identify the refusal of care laws in your state and discuss what you can do, including messaging and polling research that supports it, or how to get involved in efforts to stop refusals of care laws at the federal level, **reach out to the National Women's Law Center at abortionpolicy@nwlc.org.**