



July 2022

KEY MESSAGES: H.R. 8297, THE ENSURING WOMEN'S RIGHT TO REPRODUCTIVE FREEDOM ACT OF 2022

COMMITTEE ON ENERGY & COMMERCE

Since the Supreme Court overturned the constitutional right to abortion and reversed nearly 50 years of precedent established in *Roe v. Wade*, abortion has been banned in [at least nine states](#), with more bans expected soon. These bans force people to travel to other states where abortion care remains legal.

- After the Texas State Legislature passed S.B. 8, an onerous and restrictive law banning abortion in nearly all circumstances after six weeks in 2021, [the number of people traveling to nearby states for abortions increased tenfold](#).
- [Dozens of major companies](#) have announced policies that cover travel expenses for employees seeking abortion care who are not able to obtain the service in their own state.

In response, Republican politicians and antiabortion organizations have proposed extremist legislation aimed at blocking women from crossing state lines to obtain an abortion and criminalizing those that help them.

- Missouri state legislators [proposed a bill](#) modeled on Texas' S.B. 8 that would allow private citizens to sue anyone who helps an individual obtain an abortion, including out-of-state physicians and any other person who helps get the patient across state lines.
- The Thomas More Society, a conservative legal organization, is [drafting similar model legislation](#) for state lawmakers that would allow private citizens to sue anyone who helps a resident of a state that has banned abortion from terminating a pregnancy outside of that state.
- Some new state laws, including one in Oklahoma, allow for civil penalties for anyone who ["aids or abets"](#) an abortion.

H.R. 8297 protects Americans from extremist Republican politicians and antiabortion groups by ensuring no person acting under state law can prevent, restrict, impede, or otherwise retaliate against a person traveling across state lines to obtain a lawful abortion. This would include vigilantes who could be empowered by states to seek out a person for obtaining an abortion.

- In addition to protecting a person traveling across state lines for the purposes of obtaining a legal abortion, H.R. 8297 prohibits interference against:
 - A health care provider's ability to provide, initiate, or enable an abortion service that is lawful in the state in which the service is to be provided;
 - A person's ability to assist a health care provider to provide, initiate, or enable an abortion service that is lawful in the state in which the service is to be provided;
 - A person or entity's ability to assist someone traveling across a state line for the purpose of obtaining an abortion that is lawful in the state in which the service is to be provided; and
 - The movement in interstate commerce of any drug approved or licensed by the Food and Drug Administration for the termination of a pregnancy.
- The bill establishes a private right of action for individuals to enforce their right to travel across state lines to obtain a lawful abortion and affirms the Attorney General's enforcement authority to bring civil actions in cases where a person is prevented, restricted, impeded or retaliated against for traveling across state lines to obtain a lawful abortion.