



Legislative Testimony
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**Written Testimony Supporting House Bill 5516, An Act Concerning
Reproductive Rights**

Senator Anwar, Representative McCarthy Vahey, Ranking Members Somers and Klarides-Ditria, and members of the Public Health Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in strong support of House Bill 5516, An Act Concerning Reproductive Rights.

The ACLU-CT is an organization that is dedicated to furthering reproductive justice and gender equality. The ACLU-CT believes in a future where everyone can make decisions about reproductive health care, pregnancy, gender-affirming care, and parenting that are the best for them, which includes access to safe, legal, and affordable abortion. We are dedicated to ensuring that LGBTQ+ people can live openly and freely, with full rights, personal autonomy, and freedom of expression and association.

Connecticut has been a preeminent leader in recognizing and safeguarding reproductive rights and gender-affirming care. We thank this Committee for its dedication to ensuring that Connecticut remains a beacon of freedom as we witness direct and repeated attacks against civil rights and liberties across the country. The 2022 General Assembly led the nation on abortion protections by passing the first shield law, the Reproductive Freedom Defense Act, which protects patients and providers from targeted legal attacks by anti-choice extremists in other states with radical and archaic abortion bans.

We are witnessing existential threats to civil rights and liberties in America, including regressive attacks on reproductive health care and gender equality. The decision to overturn *Roe* directly caused a devastating public health and civil liberties crisis. Now, millions of people live hundreds of miles away from their closest providers of abortions or gender-affirming care. Hundreds of thousands of people have already traveled outside of their state, including to Connecticut, to get the care they need. We have continued to see attacks on reproductive health care and rights from the federal government and states—from abortion, family planning, contraception, IVF, and gender-affirming care. At the same time, the Trump administration targeted the LGBTQ+ community from the moment he stepped into office by supporting a bevy of policies that relentlessly harm LGBTQ+ people and their families and threaten their rights, safety, and fundamental freedom to exist. Efforts to restrict and even *criminalize* medically necessary care for transgender young people aim to prevent families of transgender young people from working with doctors to ensure that their child gets the care that they need. Increasingly, we have even seen efforts in other states to undermine people’s ability to use assisted reproduction services, like IVF, and to restrict access to contraception. As politicians across the country deny our freedom, obstruct access to reproductive care, and threaten other substantive due process rights, the ACLU-CT is grateful to this Committee for continuing to prioritize access for our state’s residents.

Everyone deserves access to health care in their community, on the timeline they choose, and by the provider they trust. Access to reproductive health care, including abortion and gender-affirming care, is not just about its legality; but it is also about humanity, dignity, and freedom. As the U.S. Supreme Court abandoned nearly fifty years of precedent, a lack of access to reproductive health services is already threatening people’s lives and futures across the country. People across the country have been forced to remain pregnant against their will or prevented from accessing life-saving gender-affirming care, endangering their mental and physical health, their lives and futures, and their family’s lives and futures. Four years after *Dobbs*,

more than nineteen states have acted to severely restrict or entirely ban access to abortion, and more than 25 million women of reproductive age as well as transgender and nonbinary people live in a state where abortion is severely restricted or completely banned. Justice Thomas's concurring opinion in *Dobbs* paints a dark picture, urging the Court to reconsider all its substantive due process precedents, specifically naming cases that protect the right to choose who one marries, whether to use contraception, and the ability to have consensual sex with partners of their choosing.¹ In the years since the *Dobbs* decision, there has already been a massive rise in anti-LGBTQ+ legislation at the state and local level, echoing attacks we have already seen on abortion and reproductive health care access. More than twenty-five states have banned or restricted families from accessing medically necessary health care, aligned with standards of care, for their transgender children, and six states have made it a *felony* to provide certain forms of medically necessary care to transgender young people. Threats to reproductive health care, gender-affirming care, and more recently-acquired LGBTQ+ rights will disproportionately harm marginalized communities of color. We are already seeing the effects of this as states across the country enact draconian bills that rigidly prohibit abortion and target transgender and nonbinary people.

Because of systemic racism, we know that those hurt first and worst by these attempts are Black and Latine people and those who are low-income. The promise of *Roe* has never been a reality for everyone in this country, and in the past year, in many places, that promise has been gutted entirely. More than half of Black women of reproductive age, plus transgender and nonbinary people, live in states with abortion bans. In Connecticut, and across the country, economic injustice, systemic racism, documentation status, targeted restrictions on reproductive health care and gender affirming care providers, and the criminalization of pregnancy outcomes have

¹ *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (Thomas J., concurring) ("For that reason, in future cases, we should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*.").

kept abortion access out of reach for people of color, young people, LGBTQ+ people, and lower-income people.

In 2022, anticipating the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which eliminated federal constitutional protections for abortion, Connecticut acted boldly and proactively by passing the Reproductive Freedom Defense Act—a first of its kind shield law to protect Connecticut providers from the reach of anti-abortion extremists in hostile states attempting to chill, restrict, and criminalize abortion access beyond their borders. Shortly after passing the initial bill, lawmakers expanded the law's reach to protect against increased attacks on and efforts to criminalize and punish providers of safe, effective, and medically necessary care for transgender youth. The General Assembly strengthened these protections in 2023 when the General Assembly enacted legislation ensuring reproductive and gender-affirming health care providers will not face professional licensure repercussions or discriminatory medical malpractice insurance rate hikes if they are subject to litigation on the provision of health care that is legal in Connecticut. Together, these provisions form a powerful shield to ensure Connecticut is a leader in the protection of access to reproductive and gender-affirming care. But we can, and must, do more to properly defend reproductive freedom for all.

Any delay in seeking time-sensitive health care, including pregnancy-related care, is a threat to public health that undermines a person's individual agency and autonomy when making decisions about their health. In a post-*Roe* world, Connecticut continues to make significant progress to protect patients and providers, who are doing all they can to provide medically-accurate and compassionate care and counseling to their patients. House Bill 5516 is an essential part of this work by simply ensuring that all our state's providers, regardless of their employer or hospital affiliation, are able to provide medically-accurate information, counseling, or referrals for patients to an alternate provider regarding reproductive and gender-affirming care, without fear of facing reprisal or disciplinary action for doing so.

Any person seeking health care should be able to expect comprehensive and accurate information and counseling regarding reproductive and gender-affirming care, without fear of facing reprisal or disciplinary action for doing so. The denial of such information by large health care institutions, including religiously-affiliated institutions, delays access to essential sexual and reproductive health care services, exacerbates existing barriers, and further perpetuates stigma and shame for anyone who may be seeking care. People may be unaware that some health care facilities can deny them medically-accurate information regarding their health and care. This undermines the patient-provider relationship and can put patients' health at risk.

House Bill 5516 would increase essential health information access by specifically preventing health care institutions from prohibiting providers from offering medically accurate information regarding a patient's health status, counseling, and referrals specific to reproductive health and gender-affirming health care. The bill would also provide employment protections and ensure that providers do not face disciplinary action when they provide patients with medically accurate and appropriate information about or referrals for reproductive and gender-affirming care. House Bill 5516 would *not* require any affirmative actions by a health care provider and would not create any new requirement compelling an institution to offer certain kinds of medical treatment or referrals. This bill is intended to ensure that health care providers do not face disciplinary action for providing accurate and appropriate information and referrals to their patients. If passed, House Bill 5516 would further protect providers in Connecticut who are sharing medically accurate and appropriate information regarding a patient's health or make referrals to an alternate provider so patients can ultimately access the reproductive or gender-affirming care they need. As such, the ACLU-CT supports House Bill 5516, and urges this Committee to do the same.