

117TH CONGRESS
2D SESSION

H. R. 8297

AN ACT

To prohibit the interference, under color of State law, with the provision of interstate abortion services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring Women’s
3 Right to Reproductive Freedom Act”.

4 **SEC. 2. INTERFERENCE WITH INTERSTATE ABORTION**
5 **SERVICES PROHIBITED.**

6 (a) INTERFERENCE PROHIBITED.—No person acting
7 under color of State law, including any person who, by
8 operation of a provision of State law, is permitted to im-
9 plement or enforce State law, may prevent, restrict, or im-
10 pede, or retaliate against, in any manner—

11 (1) a health care provider’s ability to provide,
12 initiate, or otherwise enable an abortion service that
13 is lawful in the State in which the service is to be
14 provided to a patient who does not reside in that
15 State;

16 (2) any person or entity’s ability to assist a
17 health care provider to provide, initiate, or otherwise
18 enable an abortion service that is lawful in the State
19 in which the service is to be provided to a patient
20 who does not reside in that State, if such assistance
21 does not violate the law of that State;

22 (3) any person’s ability to travel across a State
23 line for the purpose of obtaining an abortion service
24 that is lawful in the State in which the service is to
25 be provided;

1 (4) any person’s or entity’s ability to assist an-
2 other person traveling across a State line for the
3 purpose of obtaining an abortion service that is law-
4 ful in the State in which the service is to be pro-
5 vided; or

6 (5) the movement in interstate commerce, in ac-
7 cordance with Federal law or regulation, of any drug
8 approved or licensed by the Food and Drug Admin-
9 istration for the termination of a pregnancy.

10 (b) ENFORCEMENT BY ATTORNEY GENERAL.—The
11 Attorney General may bring a civil action in the appro-
12 priate United States district court against any person who
13 violates subsection (a) for declaratory and injunctive relief.

14 (c) PRIVATE RIGHT OF ACTION.—Any person who is
15 harmed by a violation of subsection (a) may bring a civil
16 action in the appropriate United States district court
17 against the person who violated such subsection for declar-
18 atory and injunctive relief, and for such compensatory
19 damages as the court determines appropriate, including
20 for economic losses and for emotional pain and suffering.
21 The court may, in addition, award reasonable attorney’s
22 fees and costs of the action to a prevailing plaintiff.

23 (d) DEFINITIONS.—In this section:

24 (1) The term “abortion service” means—

1 (A) an abortion, including the use of any
2 drug approved or licensed by the Food and
3 Drug Administration for the termination of a
4 pregnancy; and

5 (B) any health care service related to or
6 provided in conjunction with an abortion
7 (whether or not provided at the same time or
8 on the same day as the abortion).

9 (2) The term “health care provider” means any
10 entity or individual (including any physician, cer-
11 tified nurse-midwife, nurse practitioner, physician’s
12 assistant, or pharmacist) that is—

13 (A) engaged or seeks to engage in the de-
14 livery of health care services, including abortion
15 services; and

16 (B) licensed or certified to perform such
17 service under applicable State law.

18 (3) The term “drug” has the meaning given
19 such term in section 201 of the Federal Food, Drug,
20 and Cosmetic Act (21 U.S.C. 321).

21 (4) The term “State” includes the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, the United States Virgin Islands,
24 American Samoa, Guam, the Northern Mariana Is-

1 lands, each Indian tribe, and each territory or pos-
2 session of the United States.

3 (e) SEVERABILITY.—If any provision of this Act, or
4 the application of such provision to any person, entity,
5 government, or circumstance, is held to be unconstitu-
6 tional, the remainder of this Act, or the application of such
7 provision to all other persons, entities, governments, or
8 circumstances, shall not be affected thereby.

9 (f) RULE OF CONSTRUCTION.—Nothing in this Act
10 shall be construed to limit the fundamental right to travel
11 within the United States, including the District of Colum-
12 bia, Tribal lands, and the territories of the United States,
13 nor to limit any existing enforcement authority of the At-
14 torney General or any existing remedies available to ad-
15 dress a violation of such right.

Passed the House of Representatives July 15, 2022.

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H. R. 8297

AN ACT

To prohibit the interference, under color of State law, with the provision of interstate abortion services, and for other purposes.