

117TH CONGRESS  
2D SESSION

# H. CON. RES. 89

Expressing opposition to the criminalization of essential health care, including the full range of sexual and reproductive health care such as abortion, gender-affirming care, and contraceptive care, and disapproving of the criminalization of pregnancy outcomes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2022

Ms. WILLIAMS of Georgia (for herself, Ms. ADAMS, Ms. DEGETTE, Ms. ESCOBAR, Ms. LOIS FRANKEL of Florida, Ms. GARCIA of Texas, Ms. JACOBS of California, Mrs. LAWRENCE, Ms. LEE of California, Ms. PRESSLEY, Ms. SPEIER, Mr. CONNOLLY, Ms. VELÁZQUEZ, Ms. WILSON of Florida, Ms. NORTON, Ms. CHU, Mrs. CAROLYN B. MALONEY of New York, Mrs. WATSON COLEMAN, Ms. SCHAKOWSKY, Ms. JACKSON LEE, Ms. BUSH, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, Mr. JONES, Ms. WASSERMAN SCHULTZ, Ms. NEWMAN, Ms. SEWELL, Ms. TLAIB, Mr. HORSFORD, Ms. CLARKE of New York, Ms. MOORE of Wisconsin, Mr. AUCHINCLOSS, Mr. KHANNA, Mr. CÁRDENAS, Mrs. FLETCHER, Mr. DOGGETT, Ms. BASS, Mr. ESPAILLAT, Mr. TORRES of New York, Mr. GRIJALVA, Mr. TRONE, Mr. LAWSON of Florida, Mr. CARSON, Mr. TAKANO, Mr. CLEAVER, Mr. CARBAJAL, Ms. TITUS, Mr. DANNY K. DAVIS of Illinois, Ms. ROSS, Ms. LOFGREN, Mr. MORELLE, Ms. BARRAGÁN, Ms. OMAR, Ms. BONAMICI, Ms. DELBENE, Mr. PETERS, Mr. POCAN, Mr. CASE, Ms. BROWNLEY, Mr. CROW, Ms. MENG, Mr. MCGOVERN, Mr. PAYNE, Ms. PORTER, Mrs. TRAHAN, Mr. RASKIN, Mrs. TORRES of California, Mr. COHEN, Mr. GREEN of Texas, Mr. BOWMAN, Mr. SWALWELL, Mr. LOWENTHAL, Mr. MCEACHIN, Mr. LEVIN of Michigan, Mr. CASTEN, Mrs. NAPOLITANO, Mr. KILMER, Mr. LARSON of Connecticut, Mr. SOTO, Mr. MOULTON, Ms. MCCOLLUM, Ms. MANNING, Mr. EVANS, Mr. DEUTCH, Mrs. MCBATH, Mrs. LEE of Nevada, Ms. JOHNSON of Texas, Mr. CICILLINE, Ms. MATSUI, Mr. SHERMAN, Ms. DEAN, Mr. RYAN, Mr. SCHNEIDER, Ms. BOURDEAUX, Mr. VEASEY, Mr. DEFazio, Ms. KELLY of Illinois, Mr. GARCÍA of Illinois, Mr. DESAULNIER, Ms. SCANLON, Ms. STEVENS, Mr. CARTER of Louisiana, Ms. CRAIG, Ms. STANSBURY, Ms. SÁNCHEZ, Mr. WELCH, Mr. QUIGLEY, Mr. BROWN of Maryland, Mr. GALLEG0, Ms. JAYAPAL, Ms. CLARK of Massachusetts, Mrs. CHERFILUS-McCORMICK, Mr. SCOTT of Virginia, Mr. PRICE of North Carolina, Mr. NADLER, Mr. CARTWRIGHT, Mrs. BEATTY, and Mr. PHILLIPS) submitted the following concurrent resolution; which was referred to the Committee

on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## **CONCURRENT RESOLUTION**

Expressing opposition to the criminalization of essential health care, including the full range of sexual and reproductive health care such as abortion, gender-affirming care, and contraceptive care, and disapproving of the criminalization of pregnancy outcomes.

Whereas access to the full range of sexual, gender-affirming, and reproductive health care, including abortion, is essential to the health and well-being of all people;

Whereas reproductive and sexual health care providers, and those who support people making important health care decisions, provide high-quality, essential health care and play a critical role in ensuring people are able to make decisions about their bodies and lives with dignity, empathy, compassion, and respect;

Whereas no one should be criminalized for providing essential health care;

Whereas no one should be criminalized for their pregnancy outcomes, for using contraception, or for obtaining gender-affirming care;

Whereas States and localities have attempted to prohibit health care providers from providing gender-affirming and reproductive health care, including abortion care, to patients;

Whereas people have been prosecuted in the United States for their actions during pregnancy that allegedly caused harm or risk to their pregnancies;

Whereas people have been forced to undergo unwanted medical procedures or surgical interventions including involuntary sterilization and cesarean sections, prosecuted for not seeking health care, prosecuted for experiencing a miscarriage or stillbirth, criminalized for alcohol and drug use during pregnancy, and prosecuted for self-managing an abortion;

Whereas groups like the American Medical Association, American Public Health Association, American Academy of Pediatrics, American Society of Addiction Medicine, the American College of Obstetricians and Gynecologists, the American Bar Association, and others oppose the criminalization of health care provision and the criminalization of pregnancy outcomes;

Whereas the threat of criminalization or prosecution can result in negative outcomes by intimidating people from seeking or providing care;

Whereas abortion and gender-affirming care have become increasingly restricted in the United States;

Whereas research shows there is an increased need and demand for pills to self-manage an abortion in States with abortion restrictions, and that self-managed abortion with access to medications and accurate information is safe;

Whereas the reasons why people self-manage an abortion are varied and valid;

Whereas health care providers have an ethical obligation to provide essential care to their patients and to protect the

private medical information integral to the patient-provider relationship;

Whereas even when charges are dropped or the defendant is exonerated, the turmoil caused by arrest or prosecution is irreparable;

Whereas several States have taken steps to repeal or reform laws that had been used to criminalize pregnancy outcomes and to increase access to abortion, contraception, and gender-affirming care;

Whereas Black, indigenous, and people of color, people with low incomes, LGBTQ+ individuals, and other marginalized individuals are disproportionately likely to be surveilled, arrested, charged, prosecuted, convicted, and heavily punished within the criminal justice system;

Whereas Black, indigenous, and people of color, people with low incomes, LGBTQ+ individuals, and other marginalized individuals are more likely, due to persistent disparities, to experience adverse pregnancy outcomes that place them under the scrutiny of the legal system; and

Whereas punishing people for their pregnancy outcomes or for providing essential reproductive and sexual health care violates their fundamental rights: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring), That Congress—*

3            (1) condemns the misapplication of criminal  
4        laws to punish people for the outcomes of their preg-  
5        nancies;

1           (2) affirms that people deserve access to high-  
2           quality health care without fear of reprisal or pun-  
3           ishment;

4           (3) condemns the criminalization of providing  
5           essential health care;

6           (4) affirms the ethical obligations of health care  
7           providers to safeguard patient privacy; and

8           (5)(A) declares a vision for a future where ac-  
9           cess to abortion, contraception, and gender-affirming  
10          care is universally free from restrictions and bans  
11          and people are able to manage care on their own  
12          terms free from discrimination or punishment; and

13          (B) affirms Congress' commitment to working  
14          toward this goal in partnership with providers, pa-  
15          tients, advocates, and their communities.

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