

# *Myths and Facts About the Reproductive Health & Privacy Protection (RHAPP) Act and the Freedom of Choice Act (FOCA)*

## ***Unsafe for the Unborn***

**MYTH:** The legislation would simply “solidify the protections of *Roe v Wade* into our law.”

**FACT:** These extreme bills would go much further than current federal law. Both FOCA and RHAPP would declare abortion a “fundamental right.” In 1992, in the case of *Planned Parenthood v Casey*, the U.S. Supreme Court specifically rejected the view that a woman has a “fundamental” right to abortion. Instead, the Court said that states may regulate abortion, as long as those regulations do not place an “undue burden” on the right to an abortion. Both FOCA and RHAPP say that abortion is fundamental and thus untouchable – no regulations on abortion, ever.

**MYTH:** The bills “would continue to allow the government to impose regulations and restrictions on abortion.”

**FACT:** Both FOCA and RHAPP state that the government may not “deny or interfere” with the abortion decision at all. Yet, as noted above, current federal law prohibits only “undue”

### **Take Action Now.**

### **Please act now to stop these dangerous proposals from becoming law.**

Go to [www.nyscatholic.org](http://www.nyscatholic.org) where you can identify and contact your state and federal elected officials. Click the “Take Action Now” button to find an alert with a pre-written message you can send to lawmakers opposing RHAPP. For additional resources on RHAPP, go to [www.nyscatholic.org](http://www.nyscatholic.org), click “Resources,” then “Conference Publications,” then “Stop the Radical Abortion Bill.”

Sign the on-line petition against FOCA at [www.fightfoca.com](http://www.fightfoca.com).

For additional resources on FOCA, go to: <http://www.usccb.org/prolife/issues/FOCA>

government intrusion, not any and all regulations. By outlawing any and all “interference” with the abortion decision, FOCA and RHAPP would prohibit a broad range of abortion regulations, including parental notification, clinic regulations, waiting periods, bans on partial-birth abortion and later-term abortion.

FOCA would likely invalidate the current federal ban on partial-birth abortion, and force taxpayers to finance abortion.

## ***Dangerous for Religious Liberty***

**MYTH:** The bills “would not force religiously affiliated hospitals to provide abortion.”

**FACT:** Not only could FOCA and RHAPP compel all hospitals to provide abortion, they could also force all social service providers to counsel for abortion, all schools to refer for abortion and all insurance plans to cover abortion. Both FOCA and RHAPP declare that the government “shall not discriminate” against the fundamental right to abortion in the provision of benefits, facilities, services or information. If either bill is enacted, government regulatory agencies could deny operating certificates, funding, or other benefits to entities that choose not to promote abortion, on the grounds that they are “discriminating.”

**MYTH:** “Nobody will be required to perform an abortion” under the terms of the legislation.

**FACT:** Despite state and federal laws protecting the conscience rights of medical professionals who choose not to be involved in abortion for religious or moral reasons, these protections are under attack. Challenged both in court and in practice, conscience protections are pejoratively called “refusal clauses” by abortion advocates who believe that the right of a woman to a timely abortion

must always prevail over a health care provider's right of conscience.

In 2008, Governor David Paterson's administration submitted comments to the federal government specifically opposing new regulations that would strengthen the conscience rights of hospitals and other medical providers to refuse to participate in abortion. It's not surprising, then, that the Governor supports RHAPP. It is quite probable that RHAPP would invalidate New York's conscience protection laws, and FOCA would invalidate such federal laws, eliminating "choice" and tolerance in the medical profession. Medical licenses could be withheld from those who adhere to pro-life principles.

## *Hazardous for Women*

**MYTH:** The bills "would not allow unqualified medical professionals to provide abortion."

**FACT:** RHAPP would delete all references to "duly qualified physician" in our current law and replace them with the words "health care practitioner" with regard to who may perform abortions. This intentionally broadens the scope of practice for various other health practitioners, including nurses, nurse practitioners, midwives and virtually any other licensed practitioner, allowing any of them to perform abortions.

FOCA would likely subject women across the country to abortions performed by non-physicians.

**MYTH:** Passage of RHAPP would ensure that New York "remains a safe haven for all women."

**FACT:** Passage of RHAPP would actually endanger the health and safety of women. By precluding laws that would protect maternal health such as those requiring a brief waiting period before an abortion is performed and those requiring that

abortions be performed only by licensed physicians, the bill would put the health and safety of women at risk. Both FOCA and RHAPP would eliminate regulations that protect women from unsafe abortion clinics.

**MYTH:** The bills would not jeopardize any program that encourages pregnant women to bring their babies to term.

**FACT:** Any government program or public benefits that promote childbirth and other health services but not abortion, such as New York's Prenatal Care Assistance Program, could be ruled "discriminatory" under either of these bills and declared invalid because they treat abortion differently than other "reproductive services." This argument has been specifically promoted by pro-abortion advocates. Thankfully, it was defeated in a final court ruling in our state, but under FOCA or RHAPP, the argument could now prevail.

**New York State is the Abortion Capital of the United States and has absolutely no restrictions on the procedure whatsoever. In the nation as a whole, 19% of pregnancies end in abortion; in New York State, 33% of pregnancies are terminated by abortion.**

**Does our law really need to be strengthened to encourage more abortions? Shouldn't the government be working to make abortion rare?**



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