

118TH CONGRESS
1ST SESSION

H. CON. RES. 33

Expressing support for access to medication abortion in the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2023

Mr. GOTTHEIMER (for himself, Ms. CROCKETT, and Ms. CRAIG) 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

CONCURRENT RESOLUTION

Expressing support for access to medication abortion in the
United States.

Whereas all people have a fundamental right to make personal, private health care decisions about their own bodies, lives, and futures;

Whereas access to medication abortion is essential to protecting that fundamental right and does not violate Federal law, as confirmed by the December 23, 2022, Department of Justice’s Office of Legal Counsel Memorandum Opinion entitled “Application of the Comstock Act to the Mailing of Prescription Drugs That Can Be Used for Abortions”;

Whereas telehealth services for medication abortion are safe and dramatically improve accessibility of reproductive health care services; and

Whereas the drug mifepristone was appropriately approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.): Now, therefore, be it

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

3 **SECTION 1. SHORT TITLE.**

4 This resolution may be cited as the “Freedom to De-
5 cide Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress to—

8 (1) affirm the existing authority to distribute
9 medication abortion under Federal law, as confirmed
10 by the December 23, 2022, Department of Justice’s
11 Office of Legal Counsel Memorandum Opinion for
12 the General Counsel of the United States Postal
13 Service which states in part that “Section 1461 of
14 title 18 of the U.S. Code does not prohibit the mail-
15 ing of certain drugs that can be used to perform
16 abortions where the sender lacks the intent that the
17 recipient of the drugs will use them unlawfully.”;
18 and

- 1 (2) condemn restrictions on access to and cov-
- 2 erage of reproductive health care, including medica-
- 3 tion abortion like mifepristone.

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