

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8297

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IN THE SENATE OF THE UNITED STATES

JULY 18, 2022

Received

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## 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-

