

February 21, 2023

To the members of the Minnesota Senate and the Minnesota House of Representatives,

The 40 organizations signed onto this letter come from all parts of the state and all walks of life. We are united by a firm belief in reproductive freedom and reproductive health care access for all people. Our views and values reflect those of the vast majority of Minnesotans who support equitable access to abortion, without government interference — and who want to see Minnesota step forward as a national leader for reproductive health, rights, and justice.<sup>1</sup>

The passage of the PRO Act laid a strong foundation for protecting abortion rights and access in a post-*Roe* Minnesota, and we applaud your leadership in prioritizing and passing it into law. Now, more action is needed to make the rights encompassed in the PRO Act real by repealing the restrictions that stand in the way of people's ability to exercise their rights and get the care they need.

That is exactly what the Reproductive Freedom Codification Act (SF70 and HF91) would do, clearing away a web of outdated, unjust, harmful, and in many cases unconstitutional anti-abortion laws that remain on the books in Minnesota — and remain a threat and a barrier to abortion and other essential health care access. We are writing to urge you to give this important legislation your full support, and to advance it quickly.

Among the many ways the Reproductive Freedom Codification Act will support reproductive freedom for everyone in Minnesota:

**It will end state-mandated anti-abortion propaganda and the 24-hour waiting period.**

- Until a judge declared the law unconstitutional, providers were required to share demonstrably false information with their patients before providing abortion care — such as a debunked claim linking abortion to breast cancer. Patients were also required to wait 24 hours after receiving this so-called counseling before receiving abortion care. Both of these practices have an adverse impact on

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<sup>1</sup> “State of Opinion on Abortion among Minnesota Voters,” accessed February 8, 2023, <https://unrestrictmn.org/wp-content/uploads/2023/01/state-of-opinion-on-abortion-among-minnesota-voters.pdf>.

patient safety and are opposed by the American College of Obstetrics and Gynecologists.<sup>2</sup>

**It will stop the arbitrary limitation on the number of providers who can perform abortions.**

- Another law ruled unconstitutional last year declared that only physicians can provide abortion care and prohibited abortions performed by all other trained, licensed providers, including advanced practice registered nurses. The Legislature is not a medical board and should not be making medical decisions about who can provide care. And to offer top-quality care for all who need it, we must expand the pool of available providers by repealing the physician-only requirement.

**It will stop overburdening and traumatizing younger people who need abortion care.**

- Both the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics oppose laws restricting minors' access to abortion care. Research shows that the majority of young people involve a trusted adult in their decisions about abortion — and those who do not have good reason not to, like abuse or other serious problems in the home that they do not wish to exacerbate. But our current law requires all minors, including those who live in abusive homes or have no relationship with their parents at all, to choose between notifying both parents of their decision or going to court to prove they can make the decision on their own. In addition to the burdensome and overwhelming logistical and bureaucratic hurdles this law imposed on young people — often delaying their care — these laws also traumatize and endanger young people at a time when what they need is care and support.<sup>3</sup>

**It will protect the dignity of people facing complications and difficult decisions later in pregnancy, and stop forcing unwanted burial and cremation on abortion patients.**

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<sup>2</sup> "Abortion Access Fact Sheet," ACOG, accessed February 8, 2023, <https://www.acog.org/advocacy/abortion-is-essential/come-prepared/abortion-access-fact-sheet>;

"Increasing Access to Abortion," ACOG, accessed February 8, 2023, <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2020/12/increasing-access-to-abortion>.

<sup>3</sup> The Adolescent's Right to Confidential Care When Considering Abortion , accessed February 8, 2023, <https://publications.aap.org/pediatrics/article/139/2/e20163861/59961/The-Adolescent-s-Right-to-Confidential-Care-When?autologincheck=redirected>.

- The Reproductive Freedom Codification Act would repeal a law that is ostensibly designed to outlaw later abortion, but that actually removes critical health care options for people facing complicated and often very painful decisions later in pregnancy — almost always involving lethal fetal conditions — and requires health care providers to take dying infants from their parents' arms and administer ineffective and hopeless emergency procedures despite there being no chance of survival. The trauma and indignity of this is, needless to say, incalculable and indefensible. Additionally, Minnesota law requires all tissue resulting from an abortion or miscarriage to be buried or cremated, regardless of the beliefs, wishes, or preferences of the person who underwent the abortion or experienced the miscarriage. This is intrusive, harmful, and wholly unnecessary — and both of these laws serve only to stigmatize and complicate the abortion process for patients and providers.

**It will protect the privacy of abortion patients and providers.**

- Abortion is health care and abortion patients deserve privacy just like those receiving any other kind of medical services. But Minnesota law currently includes provisions that require abortion providers to collect and report to the state an exhaustive and invasive list of personal details about abortion patients — including how much money they make, the number of miscarriages they've experienced, the "specific reason" they're having an abortion, and how they paid for the abortion. Providers who do not report this information could be charged with a felony under this requirement. In a post-*Roe* world where abortion is increasingly being criminalized in other states, ending this practice is more urgent now than ever.

Just last year, a Minnesota court ruled that many of these laws violated the state constitution — and many more clearly violate the same constitutional standards — but they remain on the books and could be revived through further legal action by politicians and activists who seek to end safe and legal abortion in Minnesota. Passing the Reproductive Freedom Codification Act would firmly close the door on this very real danger to our citizens and our health care providers.

It would also bring Minnesota's abortion and reproductive health laws back into alignment with the values of the people of our state. Just last December, new polling showed that overwhelming majorities of Minnesota voters want people in all our communities to have equal access to safe, legal, affordable abortion care. They want our state's laws to support access to abortion rather than restrict it, they specifically

support the repeal of laws barricading abortion access — and they want lawmakers to take action.

This is a critical moment for reproductive freedom in Minnesota. In the wake of the US Supreme Court's decision overturning *Roe v. Wade*, we must aggressively defend reproductive rights and health care access not only for our own citizens, but also for those seeking care and safe haven from other states whose lawmakers have refused to respect their rights and protect them in law.

Minnesota voters sent a pro-reproductive-freedom majority to the Legislature to take decisive action in support of reproductive freedom, and we are counting on your leadership. Passing the RFCA cannot wait.

Sincerely,

Gender Justice  
Planned Parenthood Minnesota, North  
Dakota, South Dakota Action Fund  
UnRestrict Minnesota  
Just The Pill / Abortion Delivered  
Red River Women's Clinic  
Whole Woman's Health of Minnesota  
Whole Woman's Health Alliance  
WE Health Clinic, P.A.  
Family Tree Clinic  
Center Clinic  
Nucleus Clinic  
WeARE  
Reproductive Health Access Project  
Minnesota Nurses Association  
Minnesota AFL-CIO  
SEIU Healthcare Minnesota & Iowa  
Women Winning  
Women's Foundation of Minnesota  
Our Justice  
H.O.T.D.I.S.H. Militia  
Spiral Collective  
Harm Reduction Sisters  
M N C A S A  
Pro-Choice Minnesota

ACLU Minnesota  
Asian American Organizing Project  
NAPAWF Minnesota Chapter  
National Council of Jewish Women MN  
Jewish Community Action  
First Unitarian Society of Minneapolis  
OutFront Minnesota  
TakeAction Minnesota  
Abortion Access Front  
Black Immigrant Collective (BIC)  
Local Progress Minnesota  
Women's March MN  
Minnesota Voice  
Minnesota NOW  
YWCA Minneapolis  
ERA Minnesota