

LEGAL SHIELDS FOR ABORTIONISTS AT THE EXPENSE OF WOMEN

KEY POINTS:

- Abortionist shield laws make it harder to bring doctors who harm women during abortions to justice.
- These laws would stop an abortionist from being sued or subpoenaed for malpractice.
- They make it harder to bring relief to victims and their families.
- Abortionist shield laws are also categorically unconstitutional.

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Abortionist shield laws, like House Bills 1641, 1642, and 1643, are intended to protect abortionists at all costs, at the expense of women and their families. By carving out exceptions to interstate cooperation laws, these bills would create a safe haven in Pennsylvania for abortionists and all related “service providers” who facilitate abortions for women and children outside of Pennsylvania.

These bills would shield abortionists from liability for the harms they cause to women, even where that harm involves criminal or negligent actions. These bills would stop Pennsylvania from cooperating with out-of-state criminal prosecutions and civil lawsuits that seek to hold a law-breaking abortionist accountable for their actions and the harm that they have caused. HB 1642 would even stop someone from being sued or subpoenaed for malpractice when performing an abortion or providing medical care, such as hysterectomies, for pregnancy-related reasons.

This includes abortionists who send women chemical abortion pills, which can be especially dangerous when taken later in pregnancy and where the abortionist negligently fails to verify gestational age. Complications for chemical abortions are exponentially rising and risks can include internal bleeding and even death.

House Bill 1641 creates a new section to Pennsylvania’s law on medical liability, which has a stated purpose of “providing for patient safety.” Proposed section 747.1 carves out a special exception prohibiting “adverse actions against legal reproductive health care” for a provider who uses chemical abortion “to terminate a pregnancy to an out-of-state patient by means of telemedicine.” By creating this exception to “patient safety,” it is clear this new legal protection for the abortionist, even a negligent abortionist who causes great harm, is provided without regard to the risk and detriment to the patient.

Abortionist shield laws would stop abortionists from facing accountability and the families of victims from receiving justice.

This is shocking considering Pennsylvania's experience with the gruesome practices of Kermit Gosnell and his Philadelphia "House of Horrors" – or the infamous Dr. Steven Brigham who was responsible for consistently harming women through botched abortions while practicing in various states, including a stint in Pennsylvania.

The abortion industry knew about Kermit Gosnell and chose to do nothing. The abortion industry is about protecting abortion - their big moneymaker - not women. Their support of these bills just shows their continued support for abortion - no matter what.

Additionally, this type of legislation is categorically unconstitutional. The United States Constitution's Full Faith and Credit clause, Article 4, section 1, reads as follows: *"Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceeding of every other State. . ."* This constitutional provision has, from the founding of our country, ensured that courts of each state will honor the court orders and judgments from another state. The proposed abortion shield laws not only deny that interstate cooperation, but they provide new legal tools and protections that will be used proactively to prevent other states from enforcing their laws. Any law that prohibits another state from enforcing its own laws blatantly violates the Full Faith and Credit clause.

HB 1642 carves out a special exception to Pennsylvania's Uniform Criminal Extradition Act to protect abortionists from arrest. This special exception amends section 9123 of the Act to prohibit the extradition of any person charged in another state "with treason, felony or other crime, who has fled from justice and is found in this Commonwealth" *when that person is charged with "a criminal offense of another state involving the provision or delivery of reproductive health care services that would be lawful under the laws of this Commonwealth."* (emphasis added). No matter what the crime is, if it can be characterized as "involving reproductive services" that would be lawful in Pennsylvania, the offender who flees to or stays in Pennsylvania is shielded from extradition to face justice in another state.

