



Resolution No. 416 (Minnesota D) - Oppose Criminalization of Physicians Providing Abortion Care

ACTION TAKEN BY THE 2019 CONGRESS OF DELEGATES: REAFFIRMED AS CURRENT POLICY



RESOLUTION NO. 416 (Minnesota D)

Oppose Criminalization of Physicians Providing Abortion Care

Introduced by the Minnesota Chapter

Referred to the Reference Committee on Health of the Public and Science

WHEREAS, The American Academy of Family Physicians (AAFP) has resolved that it supports a woman's access to reproductive health services and opposes non-evidence based restrictions on medical care and the provision of such services, and

WHEREAS, the AAFP has historically supported the rights of family physicians to determine their own scope of practice and that a broad scope of practice is associated with lower physician burnout, and

WHEREAS, one in four women in the United States will have an abortion by the age of 45, and

WHEREAS, abortions have a very low rate of complications requiring hospitalization approximately 0.5% or less, making them one of the safest office procedures physicians perform, and

WHEREAS, studies done in Texas during the period when the majority of their abortion clinics were closed found an increased rate of maternal mortality, and

WHEREAS, many states are enacting laws that would make abortion illegal should Roe vs. Wade fall, while others are passing laws to prohibit abortion under most circumstances (like Indiana's fetal heartbeat bill) in the hopes that the legal challenges will reach a friendly Supreme Court, and

WHEREAS, some of the state laws being proposed will criminalize physicians for performing abortions, and

WHEREAS, physicians should act in the best interest of the patient using evidence-based practices, and this ethical practice should not be criminalized, and

WHEREAS, physicians providing abortion care are doing so at the request of their patients who are in need of these services, now, therefore, be it

RESOLVED, That the American Academy of Family Physicians publicly oppose any law which would criminalize physicians for providing abortion care.

(Received 08/02/19)

Fiscal Impact: None

Background

Prior to the U.S. Supreme Court's *Roe v. Wade* (<https://abaforlawstudents.com/2016/10/07/quimbee-case-roe-v-wade/>), decision, 30 states outlawed abortion without exceptions and 16 banned the procedure except in cases of rape, incest, and protect a woman's health. The 1973 Supreme Court decision determined that women had the legal right to an abortion as a 14th amendment right to privacy. A later legal decision determined: (1) that women had "right to abort pre-viability without undue interference from the state," (2) the state has the right to regulate abortion post-viability; (3) the state has an interest in protecting women's health and the life of the fetus.¹ Over the past 46 years, state legislatures have considered more than 1200 abortion proposals.

Since the Supreme Court's ruling, Congress has passed the only three major federal abortion restrict bills have been enacted. One criminalizes a medical procedure, titled the *Partial Birth Abortion Ban*.² The 2003 law bans intact dilation and extraction, a procedure used in later term abortions. Violating the law is punishable of up to two years in prison and potential fines. While there were conflicting court decisions about its constitutionality, a 2007 U.S. Supreme Court upheld this law under *Gonzalez v. Carhart*.³

References

1. Cornell Law Institute, *Roe v. Wade*, accessed online: https://www.law.cornell.edu/wex/roe_v_wade_%281973%29 (https://www.law.cornell.edu/wex/roe_v_wade_%281973%29)
2. Annas, GH, *The Supreme Court and Abortion Rights*, *New England J Med* 2007; 356;21; accessed online at: <https://www.nejm.org/doi/pdf/10.1056/NEJMhle072595> (<https://www.nejm.org/doi/pdf/10.1056/NEJMhle072595>)
3. *NEJM*, 200

AAFP Policy

Reproductive and Maternity Health Services (<https://www.aafp.org/about/policies/all/reproductivehealth-services.html>).

The American Academy of Family Physicians (AAFP) supports a woman's access to reproductive and maternity health services and opposes nonevidence-based restrictions on medical care and the provision of such services. The AAFP believes maternity and reproductive health services are essential to general health care and should be covered under all insurance plans. (2014 COD) (2018 COD)

Reproductive Decisions (<https://www.aafp.org/about/policies/all/reproductive-decisions.html>)

The American Academy of Family Physicians (AAFP) encourages all family physicians to provide patient education on contraceptive options at every available opportunity to avoid unintended pregnancies. In the event of an unintended pregnancy, family physicians should educate patients about all options. If a patient desires termination of their pregnancy or adoption, family physicians should provide resources to facilitate those services. If a family physician's moral or ethical beliefs conflict with the ability to provide the requested resources or education, the family physician should ask a colleague to provide this information in a timely fashion rather than omit it. Additionally, the AAFP encourages family physicians to stay informed of all state and federal laws as they apply to reproductive health. (1989) (2017 COD)

Criminalization of the Medical Practice (<https://www.aafp.org/about/policies/all/criminalization.html>)

The American Academy of Family Physicians take all reasonable and necessary steps to ensure that medical decision-making and treatment, exercised in good faith, does not become a violation of criminal law. (CGA) (2007) (2018 COD)

Prior Congress Action

Resolution No. 502 from the 2017 COD (Referred to the Board of Directors):

RESOLVED, That the American Academy of Family Physicians oppose legislation that would prohibit telemedicine access to medication abortion or impose restrictions on access to medication abortion using telemedicine that are not placed on other medical services, and be it further

RESOLVED, That the American Academy of Family Physicians oppose singling out medication abortion services as a service to ban from telemedicine care, or impose restrictions on that are not placed on other telemedicine services.

Please see Page 384 in the 2017 Transactions

(https://www.aafp.org/content/dam/AAFP/documents/about_us/congress/restricted/2017/CODTransactions2017.pdf), **for details.**

Please see Resolution No. 502 (<https://www.aafp.org/about/governance/congress-delegates/2017/resolutions2/newyork-e.mem.html>) **on the AAFP website for follow-up details.**

Resolution No. 504 from the 2014 COD (Substitute Adopted):

RESOLVED, That the American Academy of Family Physicians supports a woman's access to reproductive health services and opposes nonevidence-based restrictions on medical care and the provision of such services.

Please see Pages 350-351 in the 2014 Transactions

(https://www.aafp.org/content/dam/AAFP/documents/about_us/congress/restricted/2014/CODTransactions2014.pdf), **for details.**

Please see Resolution No. 504 (<https://www.aafp.org/about/governance/congress-delegates/previous/2014/resolutions/newyork-c.mem.html>), **on the AAFP website for follow-up details.**

Prior Board Action

Approval of a recommendation from staff, that the AAFP join in an amicus brief to the US Supreme Court, opposing a Texas law's requirements that health care facilities offering abortion services meet the same building standards as ambulatory surgical centers and that every physician who provides abortions have admitting privileges at a hospital within 30 miles of the clinic where the abortion is performed.

BC1:12016, January 6, p. 1.

Approval of a recommendation that the AAFP join in an amicus brief to the US Supreme Court, opposing a Texas law's requirements that health care facilities offering abortion services meet the same building standards as ambulatory surgical centers and that every physician who provides abortions have admitting privileges at a hospital within 30 miles

of the clinic where the abortion is performed.

BC1:12015, September 23, p. 1.

Approval of a letter urging the North Carolina Speaker Moore and the North Carolina House to reject legislation that inappropriately limits the scope of practice for family physicians to perform abortions.

BC1:12015, June 3, p. 1.



ADD TO FAVORITES

Resolution No. 416 (Minnesota D) - Oppose Criminalization of Physicians Providing Abortion Care -- Congress of Delegates

<https://www.aafp.org/about/governance/congress-delegates/2019/resolutions2/minnesota-d.mem.html>

Copyright © 2020 American Academy of Family Physicians. All rights reserved.

11400 Tomahawk Creek Parkway • Leawood, KS 66211-2680

800.274.2237 • 913.906.6000 • Fax: 913.906.6075 • aafp@aafp.org
