

Talking Points

Right to Contraception Act

National Council of Jewish Women's (NCJW) Message

NCJW has been involved in the fight for contraceptive access and coverage from the very beginning, from supporting the contraceptive coverage mandate in the Affordable Care Act to protecting access to contraceptives via amicus briefs in legal cases. We believe we have an obligation to care for our bodies and to ensure all others can do the same, bolstered by *tzedek tzedek tirdof*, the pursuit of justice for all. Yet, barriers to contraceptives act directly in contrast to these values. The Right to Contraception Act (HR 999/S 422), introduced by Representative Lizzie Fletcher (D-TX) and Senator Edward Markey (D-MA), would codify and strengthen the right to use contraceptives and protect a health care provider's ability to provide contraceptives. Congress must pass the Right to Contraception Act to ensure access to contraceptives for all.

- **Congress must ensure the right to contraception.** The US Supreme Court's decision overturning *Roe v. Wade* upended substantive due process rights. These rights make up the framework for freedoms that Americans enjoy every day — including same-sex marriage and the right to purchase and use contraception without government interference. Justice Clarence Thomas' concurrence in the *Dobbs* case specifically noted reevaluating contraceptive rights and we have since seen state legislatures attempt to ban and restrict contraception, including IUDs and emergency contraceptives.
- **Attacks on reproductive health care disproportionately impact those with the fewest resources.** Women, people of color, indigenous communities, immigrants, LGBTQ+ people, individuals with disabilities, people with low incomes, and those living in rural and underserved areas primarily bear the weight of restrictions on and barriers to accessing contraceptives. At a time when access to reproductive health care has been extremely limited in some states, it is vital to codify the right to prescribe and access contraceptives.
- **Contraception is critical health care that almost all women will use at some point in their lifetimes.** Access to comprehensive reproductive health services, including contraception, is key to achieving gender equality, improving health outcomes for women and their families, bolstering educational and economic opportunity for all, and ensuring people are in control of their own bodies and family planning.
- **The Right to Contraception Act would codify and protect access to contraception.** The bill would uphold access to contraception, first recognized by the Supreme Court in *Griswold v. Connecticut*, by guaranteeing the legal right for individuals to obtain and use contraception, and for health care providers to provide contraceptives, contraception, and

information, referrals, and services related to contraception; prohibiting the federal government or any state from administering, implementing, or enforcing any law, rule, regulation, standard or other provision that would prohibit or restrict the sale, provision, or use of contraception; allowing the Department of Justice, providers, and individuals harmed by restrictions on contraception access made unlawful under the legislation, to go to court to enforce these rights; and protecting a range of contraceptive methods, devices, and medications used to prevent pregnancy.