

## Reference Proposal for 2021 CNA Membership Assembly

**Title of Report:** Protecting Womens' Reproductive Autonomy and Access to Reproductive Health Care

**Type of Report:** Action Report

**Introduced by:** GAPP Committee

### Recommendations:

Colorado Nurses Association Governmental Affairs and Public Policy Committee seeks CNA membership formal support of protection of individual human rights and assurance of individual access to needed care. We specifically request your consideration of endorsement of a CNA position statement that supports women's independent and autonomous decision making with regard to access to all reproductive health care including abortion. We base this request in the context of growing efforts by increasing numbers of State legislators seeking to ban, restrict or stipulate what reproductive services can be offered as well as criminalizing the providers who provide these services.

We stand firmly with ANA positions:

ANA's Nursing Scope and Standards of Practice 4th ED (2021);

ANA's Guide to Nursing's Social Policy Statement (2015); and,

ANA's Code of Ethics for Nurses with Interpretive Statements (2015)>

These documents collectively address the professional nurses' role in "addressing individual needs for protection, advocacy, empowerment, optimization of health, prevention of illness and injury, alleviation of suffering, and comfort and well-being." (ANA, 2021). The documents add that "nurses must be open to examining the impact of history and today's laws and regulations to understand and acknowledge that the nursing profession itself has a historical and existing connection to policy and politics." (ANA, 2021). Nurses' commitment to social justice calls for actions and advocacy to address unjust systems and structures and mitigate inequalities in health care access as well as assure basic rights, i.e., respect, human dignity, autonomy, security, and safety. (ANA, 2021).

### Report:

The attacks on reproductive rights (the legal right to access reproductive health care services) and reproductive justice (the social, political, and economic inequalities that impact women's ability to access those health care services) are coordinated and increasing in intensity,

Women across the country are experiencing the most significant threats to reproductive rights and access to reproductive care they have encountered in a generation.

Reproductive rights are legal rights and freedoms relating to reproduction and reproductive health. An individual with reproductive rights has the ability to decide whether to reproduce and have reproductive health. This may include individual's rights to plan a family, terminate a pregnancy, use contraceptives, learn about sex education in public schools, and gain access to reproductive health services. (Findlaw, 2018.)

Reproductive justice combines reproductive rights and social justice and is defined as the human right to maintain personal bodily autonomy, have children, not have children, and parent one's children in safe and sustainable communities. (SisterSong, 2021). Reproductive justice links reproductive rights with the social, political, and economic inequalities that affect a woman's ability to access reproductive health services. Core components of reproductive justice include comprehensive sex education, freedom from sexual violence, and equal access to affordable contraceptives and safe abortion care. (Ahmed, 2017)

Protecting reproductive rights and ensuring reproductive justice has never been more critical. The Guttmacher Institute is a leading research and policy organization committed to advancing sexual and reproductive health and rights (SRHR) worldwide. In their June 14, 2021 report they state "since January, there have been 561 abortion restrictions, including 165 abortion bans, introduced across 47 states (all counts current as of June 7, 2021). A whopping 83 of those restrictions have been enacted across 16 states, including 10 bans." (Guttmacher Institute, June 2021).

Reproductive rights and access vary across states. Colorado falls somewhere in the middle regarding reproductive rights. Since 1984, there have been nine measures introduced in Colorado with the objective of restricting women's reproductive rights. The most recent, Proposition 115 (Colorado Legislative Council, 2020), would have banned termination of pregnancy after 22 weeks gestation and criminalized the woman's care providers. Colorado voters defeated this proposition with a margin of 59% opposing it and 41% supporting it.

Colorado currently has restrictions that prevent individuals from accessing reproductive care. A state constitutional amendment prohibits the use of public funds for abortion care. This impacts Coloradans who have health insurance from a government employer, state Medicaid coverage, and those detained in a state correctional facility, ultimately preventing their insurance from covering any of the costs of care. Colorado also restricts abortion access by requiring young people under the age of 18 to notify a parent or guardian before accessing care, making it harder for the most vulnerable teens to access needed care. Despite these obstacles most Coloradans believe that everyone should have access to the full range of reproductive healthcare - including abortion - and the freedom to make their own healthcare decisions free from political interference. (ACLU, 2021)

ANA's position statement on reproductive health (ANA, 2010) incorporates social and reproductive justice concepts. The statement acknowledges "nurses' long and proud history of support for a fair and equitable health care delivery system in which all individuals have access to basic health services, including services related to reproductive health," and further states "the foundation of such a system rests on broader social rights including confidentiality between client and provider, and equity of access to essential service."

In accomplishing their work CNA's Governmental Affairs and Public Policy Committee (GAPP) approaches the right to access reproductive care from a reproductive justice framework, with particular attention to and support for equity of access. During the 2021 legislative session, the committee reviewed and adopted positions on several bills related to reproductive rights and justice. GAPP supported two bills designed to reduce maternal deaths and improve racial disparities. SB21-193 "Protection of People in Perinatal Period" insured protection for jailed women along with improvements in pregnancy and postpartum maternal health. SB21-194 "Maternal Health Providers' ' was designed to address racial disparities, improve health outcomes, and reduce the number of women who die during pregnancy and up through a year after having a child. GAPP monitored SB21-101 "Sunset Direct Entry Midwives" that extended the state midwifery program. These three bills have been signed by the Governor and are now law. GAPP also monitored HB21-1017 "Protect Human Life at Conception," a bill that has been introduced in previous legislative sessions and once again was postponed indefinitely at the first committee hearing.

According to its Bylaws, CNA's functions include "acting and speaking for the nursing profession in regards to legislation, governmental programs and health policy" and "representing and speaking for the nursing profession. (CNA Bylaws, 2018). As the association recognized in Colorado's legislative and political arena as the voice for nursing, it is the Colorado Nurses Association's duty to publicly advocate for the health of our community which includes supporting women in their reproductive decisions. As our colleagues at the American College of Obstetrics and Gynecology (ACOG, reaffirmed July 2017) state "the intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous." The American Academy of Nursing has also taken a strong position against political interference in healthcare with specific emphasis on policies that protect sexual and reproductive health (American Academy of Nursing, 2018).

In alignment with the American College of Obstetricians and Gynecologists (ACOG, 2020) we respect that individual nurses may be personally opposed to abortion. However, nurses do not have the right to impose their personal beliefs upon their patients, nor the right to compromise their patients's health, access to care, or informed consent. We respect our patient's right to bodily integrity, self-determination with regard to reproductive rights, and the ability to make decisions regarding protected reproductive rights such as abortion in consultation with their health professional without undue influence from legislative and regulatory bodies.

In alignment with the ANA position statement on reproductive health (ANA, 2010) we acknowledge the broader issue and our responsibilities as health professionals. "The fact that

American women are seeking abortion is a symptom, not the disease. The treatment lies in addressing the problems underlying a deteriorating social fabric. Health care providers have the right and responsibility to seek viable solutions to problems that signal social failure, such as ineffective family planning, deficient prenatal care, drug and alcohol abuse, domestic violence, unsuccessful parenting, sexually transmitted disease, and inadequate child care.”

The ethical standards of our profession call for CNA to support compassionate, empathetic, evidenced-based care. Additionally, the American Nurses Association’s position statement, “ANA cannot support initiatives that ignore individual human rights, decrease access to care, or increase adversity in the human condition,” (ANA, 2010) is consistent with our request that the CNA membership adopt this position statement to “Protect Women’s Rights to Autonomous Access to Reproductive Health Care.” It is our responsibility as an organization of health professionals to adopt a position that addresses the current problem of the coordinated and increasing threats to women’s rights to autonomous access to reproductive health care.

### **Suggested Implementation:**

1. GAPP Committee will continue to oppose state legislation that seeks to restrict women’s reproductive rights.
2. GAPP Committee will continue to support state legislation that seeks to ensure women’s reproductive health and rights.
3. When requested, CNA will publicly join state coalitions working to protect women’s reproductive health and rights.

### **Estimated Fiscal Impact:**

None in addition to current fiscal resources in support of the GAPP Committee’s work..

### **References:**

American Academy of Nursing on Policy. Sexual and Reproductive Health Rights, Access & Justice: Where Nursing Stands. Nursing Outlook 66 (2018) 416-422.

American College of Obstetricians and Gynecologists (AC)G) Abortion Policy (November 2020)

American Civil Liberties Union (ACLU). Reproductive Rights. Retrieved from Reproductive Rights | ACLU of Colorado (aclu-co.org)

ANA’s Nursing Scope and Standards of Practice 4th ED (2021)

ANA’s Guide to Nursing’s Social Policy Statement (2015)

ANA's Code of Ethics for Nurses with Interpretive statements (2015)

ANA's Position Statement on Reproductive Health (2010)

Ahmed, O., and Gamble, C.M. Black Women's Health Imperative (January 16, 2017).  
Reproductive Justice, What it Means and Why it Matters Now (more than ever) *Public Health Post*.

Colorado Legislative Council Draft Proposition 115: Prohibit Abortion After 22 Weeks (2020)

CNA Bylaws as Amended 2018, Article I, Section 3, Functions G & H).

Family.Findlaw.com/reproductive rights. November 19, 2018.

Guttmacher Institute (2021) [2021 Is On Track to Become the Most Devastating Antiabortion State Legislative Session in Decades.](#)

<https://www.SisterSong.net/reproductivejustice>

**Suggested Champion:**

GAPP Committee