

Q & A: Abortion Law in Oregon*

Attorney General Ellen F. Rosenblum



Abortion is still **SAFE, ACCESSIBLE** and **LEGAL** in OREGON

The recent United States Supreme Court decision overturning *Roe v. Wade* (called *Dobbs v. Jackson Women's Health*) did not change Oregon laws protecting a pregnant person's right to choose to have an abortion in Oregon.

Does Oregon impose any legal restrictions on access to abortion? No. Oregon does not have any legal restrictions on abortion. For example, in Oregon there are no gestational limits, no waiting periods, and you can access medication abortion (abortion pills) by mail.

Can I obtain an abortion in Oregon if I am not an Oregon resident? Yes. Oregon welcomes anyone who needs abortion care and cannot receive it in their home state.

Can I be turned away for abortion services in Oregon if I am undocumented or a lawful permanent resident? No. Oregon's Reproductive Health Equity Act prohibits discrimination in coverage or care based on gender, sexual orientation, race, disability, or immigration status. If you are undocumented or a lawful permanent resident, you cannot be discriminated against while seeking and/or receiving abortion care.

If I live in Oregon, will my insurance pay for my abortion? Most likely yes, unless your insurer qualifies for an exemption from Oregon's Reproductive Health Equity Act. Oregon law requires most insurance plans to cover abortion care, with no out-of-pocket charges. For a list of health plans covered by the law, visit <https://dfr.oregon.gov/Pages/index.aspx> and click on "RHEA Plan Information." Self-insured and federally funded plans are exempt from the law's requirement. Other limits to coverage may apply, depending on your

plan. If your plan is exempt from these requirements or your plan excludes you from coverage, there may still be resources available to help. Please see the next question.

Can I get an abortion if I don't have health insurance, cannot afford insurance, and/or do not qualify for the Oregon Health Plan? Yes. For more information, please contact the Oregon Health Authority by calling 971-673-0355 or visiting <https://www.oregon.gov/oha/ph/HealthyPeopleFamilies/ReproductiveSexualHealth/pages/index.aspx>

Can I get a medication abortion in Oregon using telemedicine? Yes. In Oregon, you have the option to end an early pregnancy with medication. Pregnant persons up to 10 weeks of gestational age can bypass the in-person visits typically needed to obtain an abortion by having a telemedicine consultation with an Oregon licensed provider and, if approved for the treatment, have medication mailed directly to an Oregon address.

Is my decision to have an abortion in Oregon private? Yes. Federal and state patient privacy laws consider this decision to be protected health information, and as a general matter, identifiable health information cannot be released without an individual's consent. There are exceptions, however, such as disclosure for purposes of treatment or payment, or if reporting is otherwise required by state law.

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Do I have the right to confidential communication with my health insurance plan? Yes. Under Oregon law, you have the right to have your insurance plan send protected health information directly to you instead of to the person who pays for your health insurance plan. For more information on this law and how to request protected health information, visit <https://dfr.oregon.gov/insure/health/patient-privacy/Pages/your-rights.aspx>

Can I be prosecuted for helping an out-of-state resident obtain an abortion in Oregon? There are both individuals and organizations in Oregon committed to helping people from any state come to Oregon for an abortion. Neither you (as an individual) nor any organization can be prosecuted in Oregon for helping an out-of-state resident obtain an abortion.

While we have no jurisdiction or control over other states' laws and potential actions, the federal government recently committed to ensuring the right to travel for abortion care.**

Where can I go if I have additional questions about reproductive health care in Oregon? Contact the Oregon Health Authority by calling 971-673-0355 or click on "What Can I Get" and "Find a Clinic" under Services at: <https://www.oregon.gov/oha/ph/HealthyPeopleFamilies/ReproductiveSexualHealth/pages/index.aspx>

* Current as of August 24, 2022

** For more information, see President Biden's August 3, 2022, Executive Order on Securing Access to Reproductive and Other Healthcare Services online at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/08/03/executive-order-on-securing-access-to-reproductive-and-other-healthcare-services/>

For the latest information, visit

<https://www.doj.state.or.us/oregon-department-of-justice/office-of-the-attorney-general/spotlight-reproductive-rights/>

Brief History of Oregon Abortion Law

1969: Oregon legalizes abortion during the first 150 days of pregnancy.

1973: *Roe v. Wade* is decided by the U.S. Supreme Court, for the first time declaring a federal constitutional right to abortion based upon the fundamental right to privacy.

1983: Oregon repeals its pre-*Roe* abortion ban.

2017: Oregon's Reproductive Health Equity Act codifies *Roe v. Wade* into state law and makes reproductive health care in Oregon even more accessible and affordable.

2022: The Oregon legislature creates a \$15 million fund to close gaps in reproductive health care access.

June 24, 2022: *Roe v. Wade* is overturned by the U.S. Supreme Court in *Dobbs v. Jackson Women's Health*. There is no longer a federal constitutional right to an abortion.