

# Q & A: Abortion Law in Oregon\*

Attorney General Dan Rayfield



## Abortion remains **SAFE, ACCESSIBLE, and LEGAL** in OREGON.

The United States Supreme Court decision in June 2022 overturning *Roe v. Wade* (called *Dobbs v. Jackson Women's Health*) did not change Oregon laws protecting a pregnant person's right to have an abortion in Oregon.

The lawsuit filed in Texas called *Alliance for Hippocratic Medicine v. U.S. FDA* that challenges the Federal Drug Administration's (FDA) approval of early abortion medication also has not changed Oregon laws. \*\*This lawsuit is ongoing; please view our Oregon Department of Justice website for updates.

Below are Frequently Asked Questions about Oregon Laws on reproductive health and access.

**If you have ANY QUESTIONS about Oregon law or legal changes in Idaho or other states, call our FREE and CONFIDENTIAL OREGON REPRODUCTIVE RIGHTS HOTLINE at:**

**(503) 431-6460**

You will be connected to an Oregon lawyer who can answer your legal questions or refer you to an out-of-state lawyer/hotline if your question goes beyond Oregon law. Please don't hesitate to get help. We are here to support you.

**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. For questions specific to your circumstance, including travel, call the Oregon Reproductive Rights Hotline. Additional information is available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/08/03/executive-order-on-securing-access-to-reproductive-and-other-healthcare-services/>

**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 visit <https://www.oregon.gov/oha/ph/HealthyPeopleFamilies/ReproductiveSexualHealth/pages/index.aspx>

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**Can I still access the early abortion prescription medication, mifepristone, in Oregon?** Yes. This safe and effective medication (paired with misoprostol for the “gold standard” of care) remains available and protected in Oregon.

The Oregon Attorney General has filed a lawsuit called *State of Washington et. al v. U.S. FDA* to protect access to mifepristone and make it even easier to access. Currently, there is a court ruling in Oregon’s favor that says the U.S. FDA cannot do anything to change or restrict access to this prescription medication in Oregon, even if the rulings in the Texas case are contradictory. \*\*This lawsuit and the Texas case are ongoing; please visit our Oregon Department of Justice website for updates.

**Can I get a medication abortion in Oregon using telemedicine?** Yes. A pregnant person located in Oregon has the option to end an early pregnancy with medication. Pregnant persons up to 10 weeks of gestational age can often bypass the in-person visits typically needed to obtain an abortion by having a telemedicine consultation with an Oregon licensed provider. If approved, early abortion medication can be 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.

**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 in Oregon 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 could be prosecuted *in Oregon* for helping an out-of-state resident obtain an abortion. However, we have no jurisdiction or control over other states’ laws and potential actions, so we suggest calling the Oregon Reproductive Rights Hotline if you have questions about traveling from another state.

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

Or contact the free and confidential Oregon Reproductive Rights Hotline at (503) 431-6460.

**\*Information current as of June 6, 2023.**

**\*\*For updates and new information, visit our Oregon DOJ website:**

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

