



May 2022

Re: *Roe v. Wade*

Like many organizations and individuals, NNPBC is aware of recent news of a leaked opinion out of the United States Supreme Court which appears to set the stage for the overturning of the 1973 *Roe v. Wade*, 410 US 113ⁱ decision of the Supreme Court of the United States (SCOTUS). In this 1973 decision, the Court ruled that the United States Constitution protects a pregnant woman'sⁱⁱ liberty to choose to have an abortion without excessive restriction on the part of government. The leaked brief, which was authenticated by Chief Justice John Roberts, would strike down the *Roe v. Wade* ruling, allowing states to ban abortions as they wish and pushing federal lawmakers to enshrine access to reproductive health care including abortion through the legislative rather than judicial branch of government. While the Supreme Court justices have yet to rule and will do so in late June or early July, if the ruling does overturn *Roe v. Wade* it is expected that approximately 50% of US States would ban access to abortion, under any circumstance.

It is important for Canadian nurses and the patients, families, and communities we serve to pay attention to legal changes that impact health care, regardless of whether those changes occur here in Canada or in other countries. That noted, it is equally important for nursing to understand how changes in other countries have the potential to mirror the legal and regulatory frameworks for health care in Canada. In response to the leaked SCOTUS opinion, Prime Minister Justin Trudeau indicated that the Liberal Government is considering enacting legislation to ensure safe, legal abortions are permanently protected in Canada. Prime Minister Trudeau also noted that there is a right to a safe and legal abortion, and that Canada will continue to protect these rights in Canada and around the world. Similar calls to uphold the right to body autonomy were echoed in this province, with Finance Minister Selena Robinson noting, "Absolutely nothing is changing here in B.C. on abortions. We believe abortion is medical care, good medical care."ⁱⁱⁱ

In Canada, abortion was legalized in 1969 under the condition that continuing the pregnancy was likely to endanger the life or health of the woman.^{iv} In 1988 the Supreme Court of Canada ruled in *R v Morgentaler*, [1988] 1 SCR 30 that the existing 1969 law violated a woman's right to life, liberty and security guaranteed under Section 7 of the *Canadian Charter of Rights and Freedoms* (est. 1982).^v Abortion in Canada is therefore a legal medical procedure available at all stages of pregnancy and is publicly funded under the *Canada Health Act* and provincial health care systems. It is important to note that access to abortion services may vary depending on region, and that barriers do exist in some regions.

NNPBC supports the current Canadian legislation on abortion and believes strongly that the ability to access reproductive health care including safe, legal abortion is a fundamental human right. The leaked opinion out of the United States is concerning on many levels. As we know, laws banning abortion do not end the need for reproductive health care and choice; rather legislative bans only serve to make access to safe abortions more difficult. Lack of access to safe abortion services puts the lives of pregnant people at risk. The risk is also disproportionate, more significantly impacting those without access to private health care and funds for travel to jurisdictions with full spectrum reproductive health choices.

As BC's professional nursing association, NNPBC stands with those in the US and the American care providers, including nurses, who often put their lives at risk or fear reprisal to ensure pregnant people have access to the health care they need. We will continue to monitor the troubling threats to access to reproductive health care in the US. NNPBC remains unequivocal in our support of access for all people to safe, legal reproductive health care as part of publicly funded health care services.

ⁱ US Supreme Court JUSTIA. *Roe v. Wade*, 410 U.S. 113 (1973). <https://supreme.justia.com/cases/federal/us/410/113/>.

ⁱⁱ NNPBC recognizes that 'pregnant people' is preferred terminology. However, the SCOTUS ruling is based on pregnant women and as such that language has been retained to adhere to their terminology.

ⁱⁱⁱ The Province. 'B.C. finance minister says 'over my dead body,' will abortion access change.' May 3, 2022. <https://theprovince.com/news/local-news/b-c-finance-minister-says-over-my-dead-body-will-abortion-access-change>.

^{iv} The 1969 legislation refers to the health of the 'woman';

National Abortion Federation of Canada. 'History of Abortion in Canada.' <https://nafcanada.org/history-abortion-canada/>.

^v CanLII. '*R. v. Morgentaler*, 1988 CanLII 90 (SCC), [1988] 1 SCR 30.' <https://www.canlii.org/en/ca/scc/doc/1988/1988canlii90/1988canlii90.html>.