

**Testimony of Amanda Allen, Senior State Legislative Counsel at the Center for Reproductive Rights regarding the Virginia Board of Health's vote to amend the state's clinic shutdown law**

Good morning, my name is Amanda Allen and I am the Senior State Legislative Counsel at the Center for Reproductive Rights.

The Center brought the challenge that culminated in the landmark victory issued by the Supreme Court earlier this year in *Whole Woman's Health v. Hellerstedt*. The decision reaffirmed a woman's constitutional right to access abortion, and made clear that states cannot pass sham restrictions on abortion.

At issue in that case were provisions of Texas law that subjected first-trimester abortion facilities to hospital-like building standards. Those requirements are similar to the physical plant requirements contained in the abortion facility regulations as *originally* drafted by the Virginia Board of Health.

I am here this morning to urge you to approve the amendments to the regulations before you today. I will focus my remarks on the amendments made to section 370, which would remove the hospital-like physical plant requirements from the abortion facility regulations.

As originally written, section 370 is unconstitutional. Under *Whole Woman's Health*, if the burdens of an abortion restriction outweigh the benefits, the restriction cannot pass constitutional muster. The Supreme Court made clear in its ruling that hospital-like requirements for abortion clinics, like those imposed by the original section 370, do not offer health benefits sufficient to justify their heavy burdens.

Like the restrictions at issue in *Whole Woman's Health*, many of these requirements "have such a tangential relationship to patient safety in the context of abortion as to be nearly arbitrary."

In addition, the burdens are extraordinary. Women's health centers in Virginia would have closed under section 370 as originally written, and access to care could have been severely jeopardized.

The amendments before you today are likely to cure section 370's constitutional deficiencies. If the amendments are adopted, I expect that section 370 would withstand constitutional scrutiny.

In approving these amendments, Virginia would be the first state to take the historic step of applying the *Whole Woman's Health* decision through a legislative or administrative body. The weight of this action cannot be underestimated—*Whole Woman's Health* is the most significant abortion rights-related Supreme Court decision in over 20 years—and I urge you to be on the right side of history and approve the amendments before you today.

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