



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Supporting Senate Bill 9, An Act Concerning Health and Wellness for Connecticut Residents

Senator Anwar, Representative McCarthy-Vahey, Ranking Members Somers and Klarides Ditria, and distinguished members of the Public Health Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of Senate Bill 9, An Act Concerning Health and Wellness for Connecticut Residents. This testimony will focus on two areas of the bill: reproductive rights and access, and harm reduction.

Reproductive Rights and Access

Across the country, states are passing increasingly radical, restrictive laws designed to ban abortion outright. When states pass abortion bans, the burden falls on the patient who needs access to essential, time-sensitive care; providers; and clinics in neighboring states that allow abortion care. When one state passes a restrictive abortion ban, other states follow the same playbook and take it even further, leading to a wave of increasingly radical and extreme abortion bans across the country in the wake of the *Dobbs* decision.

Access to abortion is not just about its legality, but also about humanity, dignity, and freedom. Now that the U.S. Supreme Court has turned its back on nearly fifty years of precedent in *Roe v. Wade* and its progeny, people across the country will be — and already have been — forced to remain pregnant against their will, endangering their mental and physical health, their lives and futures, and their family's lives and futures. Because of systemic racism, we know that those hurt first and worst are

Black and brown people, and those who are low income. The ACLU-CT believes in a future where everyone can make decisions about pregnancy and parenting that are the best for them, which includes access to safe, legal, and affordable abortion free from harassment and intimidation. Section 3 of this bill would provide a process for people who are subject to harassment and intimidation for accessing reproductive services while creating clear guidelines to protect free speech. The ACLU-CT supports this aspect of Senate Bill 9.

Connecticut must act quickly to dismantle barriers to abortion and ensure that abortion is accessible, affordable, and available to all. Everyone deserves access to abortion care in their community, on the timeline they choose, and by the provider they trust. That is now not a reality for many people in this country, and Connecticut must do its part to ensure that everyone seeking an abortion and related services in this state receives the care that they need.

The ACLU-CT believes that all people deserve equal access to reproductive health services. Every person should be able to choose whether or not to have children. But individual and systemic discrimination disproportionately prevents people from receiving assisted reproductive treatment because of their race, ethnicity, sexual orientation, and gender identity.¹ Senate Bill 9 would prohibit people or entities from limiting a person's access to assisted reproductive technology. We support Section 1 of this bill.

The ACLU-CT unwaveringly supports the right to safe, affordable access to the full range of contraceptive options and abortion. Meaningful access to contraception and freedom from coerced contraception are integral to our vision of a world in which people are free to express their sexuality, form intimate relationships, lead healthy

¹ *Disparities in Access to Effective Treatment for Infertility in the United States: An Ethics Committee Opinion*, Ethics Committee for the American Society of Reproductive Medicine (2021), https://www.asrm.org/globalassets/asrm/asrm-content/news-and-publications/ethics-committee-opinions/disparities_in_access_to_effective_treatment_for_infertility_in_the_us-pdfmembers.pdf.

sexual lives, and decide whether and when to have children. Access to contraception is critical to a person's autonomy, equality, and ability to participate in social, economic, and political life. Yet now for many people — particularly low-income people and teens — the issues of cost and confidentiality make contraception inaccessible. The ACLU-CT supports governmental policies that ensure access to affordable contraception; respect voluntariness; protect confidentiality; and prohibit sex discrimination. Section 2 of this bill would require Medicaid to cover same-day access to long-acting reversible contraception, which the ACLU-CT supports.

Harm Reduction

Drug use is fundamentally an issue of public health, something the criminal legal system is neither appropriate for nor equipped to handle. The ACLU-CT opposes criminal prohibition of drugs. Not only is prohibition a proven failure as a drug control strategy, but it subjects otherwise law-abiding citizens to arrest, prosecution, and incarceration for what they do in private. In trying to enforce the War on Drugs, the government violates the fundamental rights of privacy and personal autonomy guaranteed by our Constitution. There are better ways to control drug use, like the harm reduction strategies supported by Senate Bill 9, that will ultimately lead to a healthier and freer society.

In the late 19th century, cannabis was put to various medicinal uses and was used recreationally.² But around the turn of the century, temperance movements sought prohibition of both alcohol and other drugs.³ But prohibition did nothing to end drug use—instead, people were arrested and imprisoned for doing what they had previously done without government interference.⁴ Prohibition, in turn, led to a black market under the control of organized crime.⁵ In response, states and eventually the federal government replaced alcohol prohibition with laws regulating the quality,

² *Against Drug Prohibition*, ACLU (accessed Feb. 28, 2023), <https://www.aclu.org/other/against-drug-prohibition>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

potency, and commercial sale of alcohol. Federal drug policy has remained strictly prohibitionist, even as a growing number of states legalize recreational and medicinal cannabis and decriminalize the use of other drugs. Between 1968 and 1992, the annual number of drug-related arrests increased from 200,000 to over 1.2 million, with one third of arrests on cannabis possession charges.⁶ Rather than arrest people for using drugs, we should decriminalize and invest in prevention, research, education, and social programs that address substance use disorder, permanent poverty, unemployment, and a lack of affordable housing. Senate Bill 9 supports a number of harm reduction strategies, such as broadening access to opioid antagonists. As such, the ACLU-CT supports this aspect of Senate Bill 9, and encourages this Committee to do the same.

⁶ *Id.*