

Insights

EVOLVING LEGAL LANDSCAPE AND EMERGING TRENDS IN EMPLOYER ABORTION COVERAGE

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State Law Activity: A report by the Guttmacher Institute, a reproductive rights think tank, found that 26 states are certain or likely to ban abortion in the event *Roe v. Wade* is overturned. This includes 9 states with a pre-*Roe* ban that was never lifted and 13 states with a trigger ban that would take effect automatically should *Roe* be overturned.

Texas’s trigger law, passed in 2021, would allow the state’s pre-*Roe* abortion ban to take effect 30 days after *Roe* is overturned, criminalizing abortions after 6 weeks of pregnancy. Moreover, Texas, Oklahoma, and Idaho have passed citizen-enforcement clauses as part of their trigger laws, granting citizens the power to enforce abortion laws and making it illegal for anyone to aid and abet a person seeking abortions.

Penalties under various laws include imprisonment for doctors who perform an abortion and “aid and abet” laws allowing citizens to take civil action against anyone who assists a person in obtaining an abortion. It is expected if *Roe* is overturned, several states will also seek to enact laws to make “abortion tourism” illegal. Further, according to a PEW report, abortifacient drugs are currently available via telehealth in 23 states, thanks to an FDA ruling during the COVID pandemic that allowed patients to consult with prescribers via telehealth and receive their medication by mail. However, Texas has passed legislation, and more than 20 states have proposed bills this year to limit or ban such access.

Emerging Employer Coverage Trends: A growing number of employers have started offering expanded benefits, including travel benefits for employees who cannot obtain abortion-related care in their home states. Some are offering these benefits through the company’s health plan while others are offering the benefits through a separate fund. **The following examples are drawn from publications which can be accessed at the links provided:**

<p>Amalgamated Bank</p>	<ul style="list-style-type: none">▪ Launched Critical Reproductive Access Fund that covers travel expenses for employees and
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	<p>dependents who need to travel out of state to access reproductive care.</p> <ul style="list-style-type: none"> ▪ Includes plane fare or gas, hotel and meal expenses. ▪ Also includes up to five days of childcare.
Amazon	<ul style="list-style-type: none"> ▪ Up to \$4,000 in travel expenses annually for non-life threatening medical treatments including abortions. ▪ Applies if an operation is not available within 100 miles (161 km) of an employee's home and virtual care is not possible
Bumble	<ul style="list-style-type: none"> ▪ Setting up fund to cover additional costs of seeking abortion-related procedures outside Texas, for Texas-based employees and dependents.
Chobani	<ul style="list-style-type: none"> ▪ Covers transportation, lodging & childcare costs when an employee or their dependents need to travel out-of-state to receive specialized healthcare.
Doordash	<ul style="list-style-type: none"> ▪ Will begin covering certain travel-related expenses for employees and their dependents who are enrolled in its health plan and have to travel out of state for abortion-related care.
Levi Strauss & Co.	<ul style="list-style-type: none"> ▪ Employees are eligible for reimbursement for healthcare-related travel expenses for services not available in their home state, including those related to reproductive health care and abortion. ▪ Employees who are not part of benefits plan, including part-time hourly workers, can seek the same reimbursement for travel costs incurred.
Lyft	<ul style="list-style-type: none"> ▪ Will cover all legal fees for any driver sued under this restrictive abortion law while driving a

	<p>customer to receive abortion services.</p> <ul style="list-style-type: none"> Working with health provider partners to create a “safe state” program that would cover the costs of transportation to airports and clinics.
Microsoft	<ul style="list-style-type: none"> Travel expense assistance for abortion and other medical services where access to care is limited in availability in an employee’s home state.
Salesforce	<ul style="list-style-type: none"> Assistance with relocating employees and members of their immediate families if they have concerns about access to reproductive healthcare
Starbucks	<ul style="list-style-type: none"> Will cover eligible travel expenses for employees seeking abortions or gender-affirming procedures.
Tesla	<ul style="list-style-type: none"> Travel and lodging support for those who may need to seek healthcare services that are unavailable in their home state.
Yelp	<ul style="list-style-type: none"> Travel benefits for U.S. employees and dependents who need to travel out of state for access to abortion-related procedures.

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