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## State of Rhode Island

Daniel J. McKee  
Governor

### EXECUTIVE ORDER

22-28

July 5, 2022

### REPRODUCTIVE RIGHTS FOR RHODE ISLANDERS AND THOSE PROVIDING AND OBTAINING REPRODUCTIVE HEALTH CARE SERVICES IN RHODE ISLAND

**WHEREAS**, a Justice of the Supreme Court has opined that “The nine unelected members of [the United States Supreme Court] do not possess the constitutional authority to override the democratic process and to decree either a pro-life or pro-choice abortion policy for all 330 million people in the United States.” *Dobbs v. Jackson Women’s Health Organization*, 2022 WL 2276808 (June 24, 2022) (Kavanaugh, J., concurring); and

**WHEREAS**, the Supreme Court’s decision in *Dobbs* did not outlaw abortions but instead left the question of abortion to the people of the states and their elected representatives; and

**WHEREAS**, more than 70% of Rhode Islanders support a person’s right to a safe, legal abortion; and

**WHEREAS**, in 2019, the Rhode Island General Assembly – in recognition of this overwhelming public support – codified a person’s right to an abortion in the Reproductive Privacy Act, R.I. Gen. Laws 23-4.13-1, et seq.; and

**WHEREAS**, in the days following the *Dobbs* decision, other states have and will adopt and expand laws that purport to impose civil or criminal liability or professional sanctions on health care professionals who provide, and persons who seek and obtain, abortions and other reproductive health care services<sup>1</sup> in Rhode Island, as permitted by Rhode Island laws; and

**WHEREAS**, as a result of *Dobbs*, it is reasonable to anticipate that people from states with more restrictive laws on abortion and other reproductive services will seek such services in Rhode Island from Rhode Island providers; and

**WHEREAS**, health care professionals lawfully providing and persons lawfully seeking and obtaining abortions and other reproductive health care services in Rhode Island should be protected from legal liability premised on, and professional sanctions issued under, the laws of other states when those services are lawful in Rhode Island and meet Rhode Island's standards for good professional practice.

**NOW, THEREFORE, I, DANIEL J. MCKEE**, by virtue of the authority vested in me as Governor of the State of Rhode Island, do hereby order as follows:

1. **Non-Cooperation in Investigations and Proceedings** – Except as required by a court of competent jurisdiction, no executive agency under the Governor's purview and no employee, appointee, officer, or other person acting on behalf of any such executive agency may provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose civil or criminal liability or professional sanction upon a person or entity for:
  - a) Providing, facilitating, or receiving or responding to any inquiry about, reproductive health care services that are legal in Rhode Island; or
  - b) Giving assistance to any person or entity relating to providing, facilitating, or fielding any inquiry concerning, reproductive health care services that are legal in Rhode Island.

This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or

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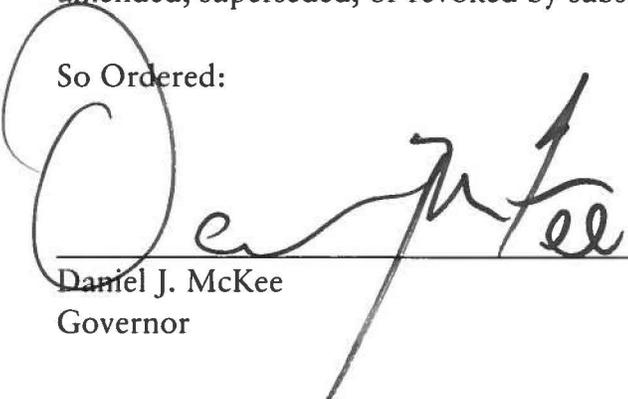
<sup>1</sup> For the purposes of this Executive Order, "reproductive health care services" includes all medical, surgical, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or the termination of a pregnancy.

by the other state would be subject to civil or criminal liability or professional sanction under the laws of Rhode Island if committed in Rhode Island. Notwithstanding the general prohibition of this paragraph, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

2. **Unavailability of Interstate Extradition** – The Office of the Governor will decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the provision or receipt of or assistance with reproductive health care services unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of Rhode Island. Consistent with the requirements of the United States Constitution, this limitation shall not apply in the circumstance where the person who is the subject of the request for arrest or surrender was physically present in the requesting state at the time of the commission of the alleged offense and thereafter fled from that state.
  
3. **Protection of Health Care and Other Professionals** - The Director of the Rhode Island Department of Health is directed to work with the boards of professional licensure operating under its supervision to implement policies that will ensure that no person shall be disqualified from licensure or subject to discipline by a board of professional licensure for providing or assisting in the provision of reproductive health care services or as a consequence of any judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the services as provided would have been lawful and consistent with standards for good professional practice in Rhode Island.

This Executive Order shall take effect immediately and shall remain in effect until amended, superseded, or revoked by subsequent Executive Order.

So Ordered:

  
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Daniel J. McKee  
Governor