



Abortion Rights
Coalition of Canada

Coalition pour le droit à
l'avortement au Canada

Your Voice for Choice

Canada's only national political pro-choice advocacy group

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Historic Day for New Brunswick as Province Finally Repeals Restrictive Abortion Regulation

NATIONAL – The Abortion Rights Coalition of Canada (ARCC) is very happy that New Brunswick Premier Brian Gallant has announced the repeal of the province's restrictive payment regulation. The regulation, which ARCC says is unconstitutional and illegal, required women to obtain written permission from two doctors before they could have a funded abortion at a hospital, which had to be performed by an Obstetrician/Gynecologist.

"For over 20 years, this regulation has been causing great hardship for women and trans people in New Brunswick, as well as PEI. While it's fantastic to finally see it gone, it's a scandal that it took so long for the Province to repeal it," said Joyce Arthur, ARCC's Executive Director. "The regulation forced most people to pay out-of-pocket at the Morgentaler Clinic in Fredericton, but this made the clinic unsustainable financially and it was forced to close in July." Arthur noted that Health Canada and the *Canada Health Act* requires provinces to fully fund all medically required procedures whether done at clinics or hospitals, and this includes all abortions.

The Province enacted the regulation in the early 1990's for political reasons – to try and block Dr. Henry Morgentaler from opening a clinic there, and to flout the 1988 Supreme Court Morgentaler decision, which threw out Canada's abortion law in part because of the arbitrary requirement that women seek permission from a panel of doctors. The court found that these and other restrictions violated women's constitutional rights to bodily security, life, liberty, and conscience.

"We appreciate the change of heart by the Liberal Party in New Brunswick, prior to this year's provincial election," said Peggy Cooke, a Toronto-based ARCC spokesperson who used to work at the Fredericton clinic. "But the credit for this victory goes to the courageous and determined activists on the ground in New Brunswick. ARCC is proud that we were able to support local efforts and bring more national attention to the issue."

"The repeal of this regulation is historic, but it's only the beginning," said Cooke. "We're glad to hear that Gallant plans to improve access in other ways, such as expanding access at hospitals, which of course is critical. However, several other things must happen to ensure equitable access to abortion care, and bring New Brunswick up to the same standard as most other provinces."

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What New Brunswick needs to do next:

- Repeal a second restrictive regulation that denies public funding to private clinics providing medically required services. This is prohibited by Health Canada. (The *Medical Services Payment Act*, Chapter M-7, Section 2.01, states that “the medical services plan shall not provide payment for...entitled services furnished in a private hospital facility in the Province.”)
- Support the opening of a new, comprehensive, fully funded reproductive health clinic. New Brunswick urgently needs a dedicated clinic that caters to women’s full reproductive health needs, such as PAP smears, breast exams, STI treatment, and other services, including abortion.
- Recruit more doctors (including family physicians), expand OR time at hospitals, and support doctors and hospitals as they establish or expand services. At least one hospital in each region of the province should provide abortions.
- Require hospitals in NB to accept self-referrals, as many people do not have family doctors and getting a referral can be very difficult. People should be able to contact the hospital or provider’s office directly to schedule a procedure.
- Enter into a reciprocal billing agreement with PEI (and other provinces) so that women from PEI and other provinces who seek services in NB can have their abortions fully funded at point-of-service. Currently, NB hospitals only serve patients who are permanent residents of NB. This must change.

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Resources and Further Info:Abortion Access in New Brunswick (ARCC): www.abortionaccessnb.caReproductive Justice New Brunswick website: <http://rjnb.org/>**Media Contacts:**

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