



Oregon House Judiciary Committee
House Bill 4088

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Alliance Defending Freedom is the nation's leading nonprofit legal organization that advocates for religious liberty, free speech, life, and marriage and the family. We regularly analyze proposed laws and their effect on constitutional freedoms. ADF recently [sued](#) the Food and Drug Administration over its unlawful Risk Evaluation and Mitigation Strategy (REMS) authorizing the dispensing of mifepristone through the mail or through a mail-order pharmacy.

After the U.S. Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) overturned *Roe v. Wade*, many states passed so-called “shield laws” to insulate individuals who remotely—and unlawfully—dispense abortion drugs to women and girls in states with life-affirming laws or offer dangerous gender transition drugs to children in states where these procedures are prohibited. Shield laws insulate violators from accountability, including (1) out-of-state investigations and prosecutions, (2) professional discipline, (3) civil liability, (4) professional liability insurance and health plan changes, and (5) divulging information and other data related to “reproductive and gender-affirming health care activities.”

Shield laws are an unprecedented violation of state comity and directly undermine the promise of *Dobbs*—which “return[ed] the issue of abortion to the people's elected representatives.” 597 U.S. at 232. They also undermine laws in 27 states that protect children from harmful gender transition procedures.

Yet, Oregon House Bill (HB) 4088 seeks to remove accountability for those performing harmful abortions and gender transition procedures in violation of other states' laws, entrenching Oregon's public policy of promoting "reproductive and gender-affirming health care"—even beyond its borders. HB 4088 prevents the extradition of non-fugitives—meaning that doctors in Oregon who provide abortion or gender transition procedures to people in states that regulate these dangerous procedures may not be brought to justice for violating the laws of other states. HB 4088 also prevents cooperation with federal and state law enforcement actions or investigations of crimes relating to abortion or gender transition procedures, and even with individual (civil) actions brought by people harmed by these dangerous procedures. HB 4088 mandates that Oregon law governs actions against a person who facilitates or attempts to aid, assist, encourage, or support a person performing or receiving or attempting to perform or receive abortion and gender transition procedures in Oregon.

Taken together, HB 4088 flagrantly promotes trafficking of individuals, including minors, across state lines from surrounding states in order to obtain abortions or gender transition procedures and shields those who provide, aid, or abet these dangerous practices from accountability. This shield law expansion undermines the fundamental right of parents, undermining their ability to protect their children from dangerous abortions and gender transition procedures.

The medical, emotional, and psychological consequences of abortion are often serious and can be lasting, particularly when the patient is young or immature. Nonetheless, adolescent girls are trafficked within states and across state lines to obtain secret abortions. A December 2023 report from Project Veritas revealed that some Planned Parenthood employees are willing to endanger adolescent girls by helping them secure secret abortions without their parents' knowledge or consent. For example, the Managing Director for Planned Parenthood in Kansas City, Missouri, was recorded telling undercover investigators that her facility arranges inter-state abortion transport for adolescent girls without parental consent "every

day.” She also described the process of setting up hotels, arranging transport, providing doctors’ notes to the girls’ school, and even paying for the abortion as common services they offer to adolescent girls without parental knowledge or consent.

HB 4088 would undermine state laws that criminalize harboring or transporting a minor girl for the purpose of procuring an abortion or obtaining abortion-inducing drugs without her parent or guardian’s knowledge, consent, or involvement.

Puberty-blocking drugs, cross-sex hormones, and transition surgeries often inflict irreversible damage on children, including a risk of sterility and stunted brain development. They have no proven long-term benefits. On the contrary, there’s proven risk of harm from these dangerous, life-altering procedures—including lifelong sterilization. That’s why, just this week, the American Society of Plastic Surgeons announced that it was reversing course and advising against performing transition procedures on minors. Children should not be subjected to these dangerous procedures—and those who help vulnerable kids access these drugs and surgeries should not be insulated from liability for the harm inflicted by them.

HB 4088 is an affront to state laws that protect vulnerable women and children.