



S. 1

**IN THE SENATE OF THE
COMMONWEALTH OF ARCADIA**

MAY 01, 2026

MR. INSAF A. RHODES (for themselves and MS. CHLOE HARRIS-KITE)
introduced the following bill; which was read thrice, passed and enacted by the
Senate;

A BILL

To establish a fundamental right to reproductive health care and gender-affirming services; to prohibit interference with the exercise of these rights; to provide for civil and criminal enforcement mechanisms and private rights of action; to create the Office of the Secretary of Health and Human Services and the State Task Force on Healthcare Access; and for related purposes.

Be it enacted by the Senators of the Commonwealth of Arcadia in Senate assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Access to Reproductive Equity Act” or the “CARE Act”.

SECTION 2. PARLIAMENTARY FINDINGS.

1. The Senate finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.
2. The Senate finds that comprehensive reproductive health care, including contraception and abortion, is a fundamental component of a woman's health, privacy and equality.
3. The Senate finds, as with other medical procedures, the safety of abortion is furthered by evidence-based practices developed and supported by medical professionals. Abortion is one of the safest medical procedures performed in the Republic of Krameria; the goal of medical regulation should be to improve the quality and availability of health care services.
4. Furthermore, the Senate declares that it is the public policy of the Commonwealth of Arcadia that every individual possesses a fundamental right of privacy and equality with respect to their personal reproductive decisions and should be able to safely effectuate those decisions, including by seeking and obtaining abortion care, free from discrimination in the provision of health care.
5. The Senate finds that comprehensive reproductive health care is a fundamental component of every individual's health, privacy and equality. Therefore, it is the policy of the Commonwealth of Arcadia that:

- a. Every individual has the fundamental right to choose or refuse contraception or sterilization.
- b. Every individual who becomes pregnant has the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion, pursuant to this article. The state shall not discriminate against, deny, or interfere with the exercise of the rights set forth in this section in the regulation or provision of benefits, facilities, services or information.

SECTION 3. DEFINITIONS.

The following definitions shall apply for purposes of this Act:

1. “Abortion” means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.
2. “Pregnancy” means the human reproductive process, beginning with the implantation of an embryo.
3. “Arcadia” means the Commonwealth of Arcadia, and every county, city, town and municipal corporation, and quasi-municipal corporation in the state.
4. “Reproductive health care services” means and includes all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception.
5. “Gender affirming health care” means medically necessary health care that respects the gender identity of the patient, as experienced

and defined by the patient, and may include, but is not limited to, the following:

- a. Interventions to suppress the development of endogenous secondary sex characteristics.
 - b. Interventions to align the patient's appearance or physical body with the patient's gender identity.
 - c. Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition.
6. "Gender affirming mental health care" means mental health care or behavioral health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping, and strategies to increase family acceptance.
7. "Abortion Services" means any medical or non-medical services related to or provided in conjunction with the voluntary termination of a pregnancy, including the prescription, dispensing, and administration of drugs (medication abortion) and surgical procedures.
8. "Healthcare Provider" means any entity or individual that is licensed or otherwise authorized by the Republic of Krameria to provide health care services, including physicians, certified nurse-midwives, nurse practitioners, pharmacies, physician assistants and others.
9. "Undue Burden" means any law, regulation, or requirement that has the purpose or effect of placing a substantial obstacle in the path of a patient seeking abortion services, including but not limited to mandatory waiting periods, medically unnecessary ultrasound requirements, or biased counseling mandates or any requirement that fails to confer a significant health benefit that justifies the limitation on access.
10. "Government entity / official" means any person acting under color of law or any private individual authorized by the State to bring a civil action.

SECTION 4. PROVISIONS.

1. The state shall not deny or interfere with a woman's or pregnant person's right to choose or obtain an abortion prior to twenty-four weeks of gestation, or when the abortion is necessary to protect the life or health of the woman or pregnant person, including but not limited to physical and mental health.
2. A person shall not be compelled in a state, county, city, or other local criminal, administrative, legislative, or other proceeding to identify or provide information that would identify or that is related to an individual who has sought or obtained an abortion if the information is being requested based on either another state's laws that interfere with a person's rights under subdivision (1) or a foreign penal civil action.
3. Notwithstanding any other law, a person shall not be subject to civil or criminal liability or penalty, or otherwise deprived of their rights under this article, based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcome, including miscarriage, stillbirth, or abortion, or perinatal death due to causes that occurred in utero.
4. A person who aids or assists a pregnant person in exercising their rights under this article shall not be subject to civil or criminal liability or penalty, or otherwise be deprived of their rights, based solely on their actions to aid or assist a pregnant person in exercising their rights under this article with the pregnant person's voluntary consent.
5. A law of another state that authorizes a person to bring a civil action against a person or entity that does any of the following is contrary to the public policy of this state:
 - a. Receives or seeks an abortion.
 - b. Performs, provides, or induces an abortion.
 - c. Knowingly engages in conduct that aids or abets the performance, provision, or inducement of an abortion.
 - d. Attempts or intends to engage in the conduct described in paragraphs (a) to (c), inclusive.
6. The state shall not do either of the following:
 - a. Apply a law described in subdivision (5) to a case or controversy heard in state court.

- b. Enforce or satisfy a civil judgment received through an adjudication under a law described in subdivision (5).
- 7. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
- 8. The performance of an abortion is unauthorized if performed by someone other than the pregnant person and if either of the following is true:
 - a. The person performing the abortion is not a health care provider authorized to perform an abortion.
 - b. The abortion is performed on a viable fetus, and both of the following are established:
 - i. In the good faith medical judgment of the physician, the fetus was viable.
 - ii. In the good faith medical judgment of the physician, continuation of the pregnancy posed no risk to life or health of the pregnant person.
- 9. Arcadian law shall govern in any action in this state, whether civil, administrative, or criminal, against any person who provides, receives, aids or abets in providing or receiving, or attempts to provide or receive, by any means, including telehealth, the health care services described in paragraph (10) if the provider was located in this state or any other state where the care was legal at the time of the challenged conduct.
- 10. Reproductive health care services and gender-affirming health care services, including gender-affirming mental health care services, are subject to paragraph (9).
- 11. A party whose reproductive rights are protected by this article and whose reproductive rights are interfered with by conduct or by a statute, ordinance, or other state or local rule, regulation, or enactment in violation of this article may bring a civil action against an offending state actor in the state superior court.
- 12. Whoever denies a right protected by this article, or aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, all of the following:

- a. An amount to be determined by a jury, or a court sitting without a jury, for exemplary damages.
 - b. A civil penalty of twenty-five thousand kramers (~~K~~25,000), to be awarded to the person denied the right protected by this article.
 - c. Preventive relief, including permanent or temporary injunction, restraining order, or other order against the person or persons responsible for the conduct, as the complainant deems necessary to ensure the full enjoyment of the rights described in this article.
 - d. Upon a motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in an action brought pursuant to this section. In awarding reasonable attorney's fees, the court shall consider the degree to which the relief obtained relates to the relief sought.
13. An action under subdivision (12) shall be commenced within 1 year of the alleged practice violation of this article.
14. A party aggrieved by conduct or regulation in violation of this article may also bring a civil action pursuant to this Act. Notwithstanding any contrasting law, a civil action pursuant to this Act may be based upon instituting or prosecuting any judicial or administrative proceeding in violation of this article.
15. For purpose of establishing liability pursuant to this subdivision, the criminal investigation, arrest, or prosecution, or threat of investigation, arrest, or prosecution, of a person with respect to their pregnancy or actual, potential, or alleged pregnancy outcome, constitutes "threat, intimidation, or coercion" pursuant to this Act, defined as follows:
 - a. If a person or persons, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of Arcadia, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of Arcadia, in order to protect the peaceable exercise or enjoyment of the right or rights

secured. An action brought by the Attorney General, any district attorney, or any city attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). If this civil penalty is requested, it shall be assessed individually against each person who is determined to have violated this section and the penalty shall be awarded to each individual whose rights under this section are determined to have been violated.

16. This Act shall provide for indemnification of an employee or former employee of a public entity, apply to any cause of action brought under this section against an employee or former employee of a public entity, as follows:

- a. Except as otherwise provided in this Act, if an employee or former employee of a public entity requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity and the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed. If the public entity conducts the defense of an employee or former employee against any claim or action with his or her reasonable good-faith cooperation, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed. However, where the public entity conducted the defense pursuant to an agreement with the employee or former employee reserving the rights of the public entity not to pay the judgment, compromise, or settlement until it is established that the injury arose out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the public entity is required to pay the judgment, compromise, or settlement only if it is established that the injury arose out of an act or omission occurring in the scope of his or her employment as an employee of the public entity. Nothing in this section authorizes a public entity to pay

that part of a claim or judgment that is for punitive or exemplary damages.

- b. Notwithstanding part (a) or any other provision of law, a public entity is authorized to pay that part of a judgment that is for punitive or exemplary damages if the governing body of that public entity, acting in its sole discretion except in cases involving an entity of the state government, finds all of the following:
 - i. The judgment is based on an act or omission of an employee or former employee acting within the course and scope of his or her employment as an employee of the public entity.
 - ii. At the time of the act giving rise to the liability, the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent best interests of the public entity.
 - iii. Payment of the claim or judgment would be in the best interests of the public entity.
- c. As used in this subdivision with respect to an entity of state government, “a decision of the governing body” means the approval of the Legislature for payment of that part of a judgment that is for punitive damages or exemplary damages, upon recommendation of the appointing power of the employee or former employee, based upon the finding by the Legislature and the appointing authority of the existence of the three conditions for payment of a punitive or exemplary damages claim.
- d. The discovery of the assets of a public entity and the introduction of evidence of the assets of a public entity shall not be permitted in an action in which it is alleged that a public employee is liable for punitive or exemplary damages.
- e. The possibility that a public entity may pay that part of a judgment that is for punitive damages shall not be disclosed in any trial in which it is alleged that a public employee is liable for punitive or exemplary damages, and that disclosure shall be grounds for a mistrial.
- f. Except as provided in part (g), a public entity shall not pay a judgment, compromise, or settlement arising from a claim or action

against an elected official, if the claim or action is based on conduct by the elected official by way of tortiously intervening or attempting to intervene in, or by way of tortiously influencing or attempting to influence the outcome of, any judicial action or proceeding for the benefit of a particular party by contacting the trial judge or any commissioner, court-appointed arbitrator, court-appointed mediator, or court-appointed special referee assigned to the matter, or the court clerk, bailiff, or marshal after an action has been filed, unless he or she was counsel of record acting lawfully within the scope of his or her employment on behalf of that party. If a public entity conducted the defense of an elected official against such a claim or action and the elected official is found liable by the trier of fact, the court shall order the elected official to pay to the public entity the cost of that defense.

- g. If an elected official is held liable for monetary damages in the action, the plaintiff shall first seek recovery of the judgment against the assets of the elected official. If the elected official's assets are insufficient to satisfy the total judgment, as determined by the court, the public entity may pay the deficiency if the public entity is authorized by law to pay that judgment.
- h. To the extent the public entity pays any portion of the judgment or is entitled to reimbursement of defense costs pursuant to part (f), the public entity shall pursue all available creditor's remedies against the elected official, including garnishment, until that party has fully reimbursed the public entity.
- i. This subdivision shall not apply to any criminal or civil enforcement action brought in the name of the people of Arcadia by a district attorney, city attorney, or attorney general.
- j. Subject to part (k), if an employee or former employee of a public entity pays any claim or judgment against him, or any portion thereof, that the public entity is required to pay under this subdivision, he is entitled to recover the amount of such payment from the public entity.
- k. If the public entity did not conduct his defense against the action or claim, or if the public entity conducted such defense pursuant to an agreement with him reserving the rights of the public entity against

him, an employee or former employee of a public entity may recover from the public entity under subdivision (j) only if he establishes that the act or omission upon which the claim or judgment is based occurred within the scope of his employment as an employee of the public entity and the public entity fails to establish that he acted or failed to act because of actual fraud, corruption or actual malice or that he willfully failed or refused to conduct the defense of the claim or action in good faith or to reasonably cooperate in good faith in the defense conducted by the public entity.

- l. Except as provided in this subdivision, if a public entity pays any claim or judgment against itself or against an employee or former employee of the public entity, or any portion thereof, for an injury arising out of an act or omission of the employee or former employee of the public entity, he is not liable to indemnify the public entity.
- m. Except as provided in part (p), if a public entity pays any claim or judgment, or any portion thereof, either against itself or against an employee or former employee of the public entity, for an injury arising out of an act or omission of the employee or former employee of the public entity, the public entity may recover from the employee or former employee the amount of that payment if he or she acted or failed to act because of actual fraud, corruption, or actual malice, or willfully failed or refused to conduct the defense of the claim or action in good faith. Except as provided in part (n) or (o), a public entity may not recover any payments made upon a judgment or claim against an employee or former employee if the public entity conducted his or her defense against the action or claim.
- n. If a public entity pays any claim or judgment, or any portion thereof, against an employee or former employee of the public entity for an injury arising out of his or her act or omission, and if the public entity conducted his or her defense against the claim or action pursuant to an agreement with him or her reserving the rights of the public entity against him or her, the public entity may recover the amount of the payment from him or her unless he or she establishes that the act or omission upon which the claim or judgment is based occurred within the scope of his or her employment as an employee of the public

entity and the public entity fails to establish that he or she acted or failed to act because of actual fraud, corruption, or actual malice or that he or she willfully failed or refused to reasonably cooperate in good faith in the defense conducted by the public entity.

- o. If a public entity pays any claim or judgment, or any portion thereof, against an employee or former employee of the public entity for an injury arising out of his or her act or omission, and if the public entity conducted the defense against the claim or action in the absence of an agreement with him or her reserving the rights of the public entity against him or her, the public entity may recover the amount of that payment from him or her if he or she willfully failed or refused to reasonably cooperate in good faith in the defense conducted by the public entity.
- p. Upon a felony conviction for a violation of the Penal Code, by an elected official or former elected official of a public entity for an act or omission of that person while in office, the elected official or former elected official shall forfeit any rights to defense or indemnification under this subdivision with respect to a claim for damages for an injury arising from that act or omission.
- q. If a public entity pays any claim or judgment, or any portion thereof, either against itself or against an elected official or former elected official of the public entity, for an injury arising out of an act or omission of the elected official or former elected official of the public entity, which act or omission constituted a felony violation of the Penal Code, the public entity shall recover from the elected official or former elected official the amount of that payment upon the felony conviction of the elected official or former elected official for that act or omission. Upon that conviction, the public entity shall also recover from the elected official the costs of any defense to a civil action filed against the elected official for that act or omission.

17. The following restrictions are hereby declared a per se “Undue Burden” and are null, void, and unenforceable:

- a. Mandatory Waiting Periods between initial consultation and the procedure.

- b. Biased Counseling Requirements intended to dissuade a patient from care.
 - c. Facility Requirements that are not medically necessary and are more mid-level or stringent than those applied to similar medical procedures (TRAP laws).
- 18. No person acting under color of law may impede or retaliate against any individual for traveling to another State to obtain abortion services.
- 19. No person may be subject to civil or criminal liability for providing insurance coverage, financial assistance, or transportation for an individual seeking abortion services.
- 20. No person may be subject to civil or criminal liability for providing information to or communicating with to assist an individual seeking abortion services.
- 21. The State shall not compel a healthcare provider to disclose medical records related to abortion services for any purpose, including but not limited to a criminal or civil investigation into the patient, nor shall the State compel the disclosure of digital communications, geolocation data, or search history related to the seeking or provision of abortion services.
- 22. Not later than 14 days after the date of enactment of this Act (any advice and consent requirements not included), a role of “Secretary of Health and Human Services” (referred to in this Act as the “Secretary”) shall be created, and nominated by the Governor and appointed with the advice and consent of the Senate, and the Secretary shall issue such regulations as are necessary to ensure the availability of abortion services in all State funded health centers and facilities.
- 23. The Secretary shall establish a program to award grants to health care providers and non-profit organizations for the purpose of the following:
 - a. Expanding clinical capacity in “access-safe” regions.
 - b. Providing practical support for patients, including lodging and childcare.

- c. Upgrading facility security to protect against harassment and violence.

24. Not later than 14 days after the date of enactment of this Act (any advice and consent requirements not included), the Attorney General shall establish a State Task Force on Healthcare Access (referred to in this Act as the “Task Force”) with a Head, who shall be nominated by the Attorney General and appointed with the advice and consent of the Senate, within the Civil Rights Division (which shall be created if not currently existing) the State Department of Justice (which shall be created if not currently existing, with the Attorney General being the head).

25. The Task Force shall:

- a. Enforce subdivision (28).
- b. Provide legal assistance to clinics facing litigation or legal blockades.
- c. Investigate and prosecute any person or entity who attempts to interfere with a healthcare provider.

26. It shall be a Class A Felony under the Penal Code, which shall be amended, to intentionally injure, intimidate, or interfere with, or attempting to injure, intimidate, or interfere, any person by force, threat of force, or physical obstruction because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services; or intentionally damaging or destroying the property of a facility, or attempting to do so, because such facility provides reproductive health services. There shall be authorised civil actions by aggrieved persons, or by a district attorney, city attorney, or attorney general for violations. There shall be authorised criminal actions by a district attorney, city attorney, or attorney general for violations, which if resulting in the State prevailing, shall result in any manner of Felony punishment deemed just and proper by a presiding Judge or Justice.

27. The Secretary of HHS and the Attorney General shall enter into a Memorandum of Understanding (MOU) to share data on healthcare access

“deserts” and coordinate the deployment of State resources to regions where abortion access is being unlawfully obstructed.

28. **Private Right of Action.** Any person whose rights under this Act are violated may commence a civil action in the State Superior Court for legal or equitable relief.

29. **Damages and Penalties.** A court shall award a prevailing plaintiff:

- a. Actual damages;
- b. Statutory damages of ~~K~~25,000 per violation;
- c. Reasonable attorney's fees and litigation costs.

30. **Attorney General Enforcement.** The Attorney General may bring a civil action for injunctive relief or civil penalties against any person or entity, including government officials, who engage in a pattern or practice of violating this Act.

31. Penalties as defined in this Act shall be cumulative and add upon one another.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such sums as may be necessary to carry out this Act, from sums not otherwise appropriated from the State Treasury.

Funds appropriated under this Act shall supplement, not supplant, other appropriated funds.

SEC. 6. SUPREMACY

For the purposes of enacting this Act, any Arcadian civil, criminal, and administrative laws in conflict with this Act shall be immediately rescinded and rendered null and void, notwithstanding any other provision of law.

SECTION 7. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application of such provision to any person, entity, government, or circumstance, is held to be unconstitutional, the remainder of this Act, or any amendment made thereby, or the application of such provision to all other persons, entities, governments, or circumstances, shall not be affected thereby.

SEC. 8. EFFECTIVE DATE

This Act shall take effect immediately on the date of enactment of this Act, either by the Governor's signature or a veto override passed by the Senate.

