

# If woman's life is in danger, doctors must offer abortion: Biden administration

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Citing federal law, the Biden Administration on Monday said that if a

pregnant woman's life is in danger, hospitals must provide her with care, including abortion services.

The [Emergency Medical Treatment and Labor Act](#) (EMTALA) applies to providers in all states, U.S. health officials said, including those that now ban abortions following the U.S. Supreme Court [decision](#) in June that overturned *Roe v. Wade*.

"Under the law, no matter where you live, women have the right to emergency care—including abortion care," U.S. Department of Health and Human Services Secretary Xavier Becerra said in a [statement](#).

"Today, in no uncertain terms, we are reinforcing that we expect providers to continue offering these services, and that [federal law](#) preempts state abortion bans when needed for [emergency care](#). Protecting both patients and providers is a top priority, particularly in this moment. Health care must be between a patient and their doctor, not a politician. We will continue to leverage all available resources at HHS to make sure women can access the lifesaving care they need."

Under the law, [medical facilities](#) must determine whether someone seeking treatment may be in labor, may face an emergency health circumstance or may have a health situation that could develop into an emergency. Then, they must provide treatment.

"If a physician believes that a pregnant patient presenting at an [emergency department](#) is experiencing an emergency medical condition as defined by EMTALA, and that abortion is the stabilizing treatment necessary to resolve that condition, the physician must provide that treatment," the agency's [guidance](#) reads. "When state prohibits abortion and does not include an exception for the life of the pregnant person—or draws the exception more narrowly than EMTALA's emergency medical condition definition—that state law is preempted."

Situations where this might come up include an "[ectopic pregnancy](#), complications of pregnancy loss, or emergent hypertensive disorders, such as preeclampsia with severe features," the HHS guidance adds.

"Under federal law, providers in emergency situations are required to provide stabilizing care to someone with an emergency [medical condition](#), including [abortion care](#) if necessary, regardless of the state where they live," said Centers for Medicare & Medicaid Services Administrator Chiquita Brooks LaSure. "CMS will do everything within our authority to ensure that patients get the care they need."

**More information:** Visit the U.S. Centers for Disease Control and Prevention for more about [abortion](#).

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