

December 11, 2025

Dear Senator:

ACLU Urges NO Vote on “Health Care Freedom for Patients Act” (S. 3386)

In advance of today’s floor vote on S. 3386, the “Health Care Freedom for Patients Act,” the ACLU is writing to share our strong opposition to this legislation and urges all senators to vote NO.



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Access to health care, facilitated by insurance coverage, enables individuals to participate in the economic, social, and civic life of the nation, advancing equal opportunity and personal liberty. The Health Care Freedom for Patients Act does nothing to safeguard and expand access to care and instead threatens health care access for millions of people. Additionally, **this legislation would be devastating to the health and lives of those seeking abortion care, transgender people, and immigrant communities. The ACLU will be scoring this vote.**

Restricting Payments for Abortion Care (Secs. 101 & 103)

This bill would restrict abortion in two distinct ways: except in extremely limited circumstances, it would: 1) prohibit the use of funds from Exchange Plan Health Savings Accounts (HSAs) to pay for abortion services, and 2) prohibit financial assistance known as Cost Sharing Reductions (CSRs) for any plan that covers abortion care.

Not only are the HSA payments wholly insufficient for helping people afford health care services generally, adding more restrictions on access to abortion will hurt the same people who already face increased barriers to abortion care, including low-income people and people of color.

Under the Hyde Amendment, federal law already prohibits federal funds from being used to pay for abortion care. The CSR provision goes even further by targeting individuals enrolled in private health insurance plans, forcing health plans to stop covering abortion care or else raise costs for enrollees. Individuals entitled to receive reductions in their out-of-pocket costs, under the cost-sharing reductions established in the ACA, would lose those discounts and have their out-of-pocket costs raised if the private health plan they signed up for covers abortion care. This is nothing more than an attempt to eliminate abortion coverage from the ACA marketplace and push abortion care out of reach for people across the country.



Anti-abortion lawmakers already attempted to ban abortion coverage in ACA plans in H.R.1 earlier this year but were unsuccessful. Members of Congress should once again reject such efforts by voting NO on this bill.

Eliminating Coverage for Life-Saving Health Care for Transgender People (Secs. 101, 301 & 302)

If passed and signed into law, this legislation would prohibit coverage for gender-affirming medical care under Medicaid and CHIP (Sec. 302), explicitly exclude them as an essential health benefit in plans sold on Affordable Care Act exchanges (Sec. 301), and prohibit the use of funds from Exchange Plan Health Savings Accounts (HSAs) to pay for gender-affirming medical care (Sec. 101).

Transgender people have a fundamental right to access gender-affirming medical care. Every leading medical and mental health organization in the country—including the American Medical Association and the American Psychological Association—agree that this health care is necessary, life-saving, safe, and effective. Medical and mental health treatment for transgender people is guided by evidence-based clinical guidelines and based on the individual needs of each patient.

According to a May 2025 report from the Williams Institute at UCLA School of Law, 185,000 transgender adults across the country have Medicaid as their primary source of health insurance.¹ A 2023 study from KFF found that 21% of transgender adults—nearly one in four—had health insurance coverage through Medicaid.² To strip this medically necessary, life-saving care from these individuals would be incomprehensibly cruel and utterly devastating. Members of Congress should never place themselves between patients, families, and doctors, and yet that is exactly what this ironically named “health care freedom” legislation banning coverage of gender-affirming medical care would do.

During consideration of H.R. 1 earlier this year, those who favor eliminating access to life-saving health care for transgender people tried and failed to include a similar ban. Members of Congress wisely rejected that effort then and should do so again now by voting NO on this bill.

Creating Obstacles to Care for Immigrant Families (Secs. 201 & 202)

Sec. 201 of this legislation cruelly penalizes Medicaid expansion states that use their own state funds to provide health care coverage for undocumented immigrants. It does so by reducing the Federal Medical Assistance Percentage (FMAP) to those states from 90% to 80%, a loss of billions of dollars that will no longer be available to provide health coverage and

¹ <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Medicaid-LGBT-May-2025.pdf>

² <https://www.kff.org/other/issue-brief/trans-people-in-the-u-s-identities-demographics-and-wellbeing/>



services to millions of qualified individuals in those states. A policy that denies health care to immigrant families is already misguided; it is beyond the pale to punish states who recognize that proactively safeguarding the health of all of their residents is a worthwhile investment.

The bill also seeks to erect complicated and needless hurdles to deny Medicaid and CHIP coverage to immigrants. Sec. 202 of this legislation could result in potentially millions losing access to life-saving health care like family planning services, cancer screenings, and addiction treatment, and many people with disabilities, including U.S. citizens, could have their care denied or delayed due to bureaucratic immigration status checks. It serves no one's interest to deny people these essential services. This provision, as it is intended to do, will result in a chilling effect that harms immigrant communities that remain eligible, including for mixed status families and others who may be fearful or confused about whether seeking health care might expose them to immigration enforcement or retaliation.

Conclusion

Because this legislation would be devastating to the health and lives of those seeking abortion care, transgender people, and immigrant communities, the ACLU urges a NO vote on S. 3386 and will be scoring it.

Sincerely,

A handwritten signature in blue ink, which appears to read "Mike Zamore", is written over a horizontal line.

Mike Zamore
National Policy & Government Affairs Director