

## Buehler's "Faux-Choice" Claims vs Reality

Oregon has made tremendous strides to improve access to the full range of reproductive health care over the past two decades, and the proof of that work is seen in a dramatic drop in teen pregnancies as well as a reduction in abortions.

Rep. Knute Buehler has taken these statistics and tried to use them as proof that a bill he co-sponsored in 2015 has played a key role in that progress. Passed with bipartisan support and signed into law by Governor Kate Brown, HB 2879 allows pharmacists to prescribe hormonal contraceptive patches and oral hormonal contraceptives ('the pill').<sup>1</sup> This law is a good step towards increasing access to contraceptives in Oregon, though more work is needed to fully implement it and remove barriers to access, like out-of-pocket costs for consultations with pharmacists. **Unfortunately, Buehler has repeatedly misrepresented what the bill does, and exaggerated its impact for political gain.**

Buehler said the bill reduced abortions in Oregon by 20 percent.<sup>2</sup> **That's not true.**

According to the Oregon Health Authority, there were 8,360 abortions in the 12 months before HB 2879 took effect. In 2017, 8,107 abortions occurred, a 3% decline. This decline continued previous trends -- it is unlikely that HB 2879 has had any measurable impact on abortions in Oregon at this point.

There was a 15% decline in the abortion rate in Oregon between 2011 and 2014 [3], a time when the Affordable Care Act (ACA) was supporting no-cost coverage of contraception, before Buehler was even in elected office in Oregon.

Buehler told OPB's Jeff Mapes his 20% reduction number came from "comparing the first three months of 2016 with the first three months of 2018."<sup>3</sup> But Buehler has been making the claim since 2017, so he can't rely on 2018 data to back it up now.

What's more, the published 2018 data are preliminary and incomplete. Buehler's math is bad because he's confused *incomplete data* with *low counts*. It can take a long time for every abortion case report to be submitted, so the preliminary abortion counts from recent months aren't reliable figures.

Buehler also claimed his bill cut teen pregnancies by 42 percent.<sup>4</sup> **That's not true.**

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<sup>1</sup> NARAL Pro-Choice Oregon, "[Oregon Law for Pharmacy RX of Contraception: What it does & does not do for consumers](#)", 5/29/2018

<sup>2</sup> [OregonLive](#), 8/20/17; [Lars Larson show](#), 5/1/18

<sup>3</sup> [OPB](#), 6/11/18

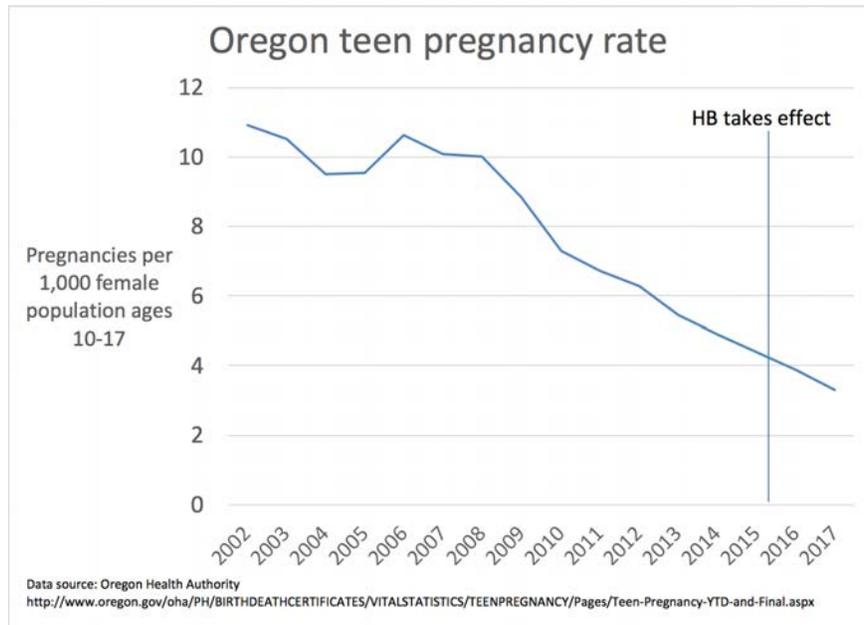
<sup>4</sup> [OregonLive](#), 8/20/17

Teen pregnancies have been declining for years in Oregon, the result of decades of effort by healthcare advocates to increase access to and knowledge of contraceptive methods. HB 2879 appeared to have no effect on previous trends at this point. According to the Oregon Health Authority, in 2014 (the year before the bill took effect) there were 929 pregnancies among young women ages 10-17. In 2017, there were 636, a 32% decline. Because only people who are 18 years or older can get birth control from a pharmacist without a previous prescription, the law is unlikely to have a measurable impact on teen pregnancy.

In July 2017, speaking on the floor of the House of Representatives, Buehler claimed “no longer in the state of Oregon, does any woman need permission from anyone to purchase birth control.”<sup>5</sup> **That’s not true.**

Women still need a prescription to get birth control in Oregon; HB 2527 just allowed pharmacists to write those

prescriptions. Furthermore, only women who are 18 years or older can take full advantage of the new law. Women who are under 18 years of age can only receive pharmacist-prescribed contraception if they have evidence of a previous prescription for contraception.<sup>6</sup>



Buehler claimed the bill allows women to buy birth control over the counter.<sup>7</sup> **That’s not true.**

According to the FDA, “Over-the-counter medicine is also known as OTC or nonprescription medicine. All these terms refer to medicine that you can buy without

<sup>5</sup> [Oregon State Legislature](#), floor speech on HB 3391 [2:46:10], 7/1/2017

<sup>6</sup> This age restriction does not align with any other precedent for age when accessing health care. 21 states (including Oregon) and the District of Columbia allow sales of emergency contraception over-the-counter with no age restrictions, and Oregon law explicitly allows all minors to consent to contraceptive services.<sup>[2]</sup>

<sup>7</sup> [Twitter](#), 5/30/18

a prescription.”<sup>8</sup> HB 2527 doesn’t make birth control an over-the-counter drug; it allows pharmacists to write prescriptions for birth control.<sup>9</sup> People can now get a prescription for birth control and fill the prescription during a single visit with a pharmacist, but the contraceptives are still prescription drugs, not over-the-counter medicine.

## Buehler’s Appeals to Pro-Life Extremists

Support for birth control access is no substitute for supporting access to the full spectrum of reproductive health care services Oregonians need.

Pro-choice lawmakers understand that without affordable access to vital reproductive health services, including abortion, women and their families are not truly able to make the decision about when and if to become pregnant.

Buehler has had one chance to vote on protecting the right to legal abortion in this state and he voted no. 2017’s Reproductive Health EQUity Act not only codified the right to legal abortion should Roe v. Wade be overturned, but it expanded coverage for contraception, abortion and other preventive reproductive health services outlined by the Affordable Care Act. It is a model for other states looking to protect and expand access to reproductive health care. Buehler was a vocal opponent of the bill and boasted to conservative audiences about his “no” vote.

Buehler frequently cites the pharmacist bill to burnish his claims of being pro-choice. But he makes a very different pitch to conservative audiences, emphasizing his opposition to expanding access to abortion.

**In December 2017, Buehler said he “certainly voted no” on the Reproductive Health Equity Act, and claimed the bill would make Oregon a “magnet state” for abortions.** On 12/17/17 on the Gator & Denise show, Buehler said “The beautiful thing about my run for governor is I have a record. I have a record. I’ve been in the legislature for four years, and I encourage people to look at my record. I’ll just give them a little help with regards to that record. I’m fiscally conservative. I held the line the last two years on tax increases. Remember, Governor Brown asked for 24 separate tax increases. So I’m very fiscally conservative. I’m in support of the second amendment. I’ve voted no on all the gun bills that have come through the legislature the last few years. And I’ve certainly voted no this last session, which would have provided, which provides increased funding for abortions. Essentially it makes Oregon a magnet state for people to come here for abortions. I think

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<sup>8</sup> [FDA.gov](http://FDA.gov), accessed 5/31/18

<sup>9</sup> [Oregon Legislature](http://Oregon.Legislature), HB 2879 (2015)

that is a proven track record. Everyone else in this race can talk a big game, but Buehler has delivered votes on all those issues.” [\[Gator & Denise Radio, 12/17/17\]](#)

**In April 2018, Buehler said he opposed state funding for abortion except in cases where it is “medically necessary.”** On 4/23/18, OPB reported on a meeting of the Portland-based Executive Club that Buehler attended. Buehler told a questioner that he wasn’t familiar with a proposed initiative that would prohibit state funding of abortion for low-income women. But he said he opposed state funding except in cases where it is “medically necessary.” [\[OPB, 4/23/18\]](#)

**In May 2018, Buehler said “We need to convince people in their hearts and minds that abortion is the wrong option.”** Buehler made the statement claim on the Lars Larson show. He said “We need to convince people in their hearts and minds that abortion is the wrong option. Give them more access to prevention through contraception, more options with regards to adoption, for their unborn children-- those are the type of things that is going to decrease abortions by convincing people in their hearts and minds that it’s not a good option for them. And preventing it from the very beginning.” [\[Lars Larson Show, 5/1/18\]](#)

**In May 2018, Buehler said “I have a record in the legislature of voting against Governor Brown’s efforts to expand access to abortion.”** Buehler made the statement on the Lars Larson show: “I have a record in the legislature of voting against Governor Brown’s efforts to expand access to abortion. Listen, I think we have other priorities where spending should go other than to expand access to abortion. We need to make abortion as rare as possible and that’s a goal I think lots of us can share.” [\[Lars Larson show, 5/16/18\]](#)