

A BRIEF HISTORY OF ABORTION ACCESS IN NEW BRUNSWICK



MINI TIMELINE

A brief timeline of abortion access in New Brunswick. For more, visit our Timeline link:

<https://timeline.rjaccessprojectnb.ca/>

1960 1962 1964	60's	1969 Federal Criminal Law Amendment Act partially decriminalizes abortion, birth control and homosexuality. Abortions are only legal when approved by a Therapeutic Abortion Committee (TAC) of 3 doctors who certify in writing that continuing a pregnancy would threaten a woman's life or health.	
1966 1968 1970	70's	1974 Pro-choice feminists form the Canadian Association for the Repeal of the Abortion Laws (CARAL) and campaign with Dr. Morgentaler against the TAC system.	1977 The "Badgley Report" describes how inequitable abortion access across Canada disproportionately affects vulnerable and marginalized people.
1972 1974 1976 1978 1980	80's	1983 Federal Canada Health Act (CHA) is introduced to remove extra billing and user fees and to set funding conditions for provincial healthcare systems. 1985 Federal Canada Health Act (CHA) is introduced to remove extra billing and user fees and to set funding conditions for provincial healthcare systems.	1988 Supreme Court of Canada (SCC) strikes down the federal abortion law for infringing on women's right to security of the person. NB Premier McKenna promises to fight any attempt by Dr. Morgentaler to set up a freestanding clinic. 1989 Dr. Morgentaler takes NB to court to be paid for abortions for NB women at his Montreal clinic and wins the case. The McKenna government adds abortion to the list of services not covered by Medicare in NB (Reg. 84-20, Schedule 2).
1982 1984 1986 1988 1990 1992	90's	1993 SCC strikes down Nova Scotia's (similar to 84-20) legislation and Hatfield's 1985 amendments to the Medical Act. 1994 Dr. Morgentaler obtains his license to practice in NB & opens an abortion clinic in Fredericton. The NB Minister of Health asks the College of Physicians & Surgeons to restrict Dr. Morgentaler's license to practise. Dr. Morgentaler's constitutional challenge is successful at trial and at the NB Court of Appeal. This decision deals with the prohibition of out-of-hospital abortions, but not with the other component found unconstitutional in the Nova Scotia case, the exclusion of abortion from insured services.	1995 Dr. Morgentaler and CARAL NB celebrate the one-year anniversary of the Fredericton clinic opening with a fundraiser for his \$100,000+ legal fees spent fighting the provincial government.
1994 1996 1998 2000 2002	00's	2003 Dr. Morgentaler sues the provincial government on the grounds that Reg. 84-20 violates both the Charter and the Canada Health Act. The provincial government delays, using tactics like challenging Dr. Morgentaler's standing to sue, which it loses in 2004 and then appeals.	2006 Dr. Everett Chalmers Hospital in Fredericton stops providing funded abortions (approx. 400/year) due to "physician-resource issues." 2008 Dr. Morgentaler receives the Order of Canada for his work to advance women's rights. 2009 The province's appeal on Dr. Morgentaler's standing is unanimously dismissed.
2004 2006 2008 2010 2012 2014 2016	10's	2013: Dr. Morgentaler dies at the age of ninety. 2014: Morgentaler's family discontinues the lawsuit, announcing that the Fredericton Morgentaler clinic will close. Fredericton Youth Feminists hold a large rally protesting the lack of provincial funding for clinic abortions. Reproductive Justice NB forms and works with Youth Feminists to reopen the clinic. They crowdfund \$148,000 for the reopening. Liberal leader Brian Gallant promises that, if elected, his party will "...act swiftly to ensure that we find any barriers to a woman's right to choose and eliminate them." After his election in September 2014, Gallant amends Reg. 84-20 by removing the 2-doctor rule but leaves in place the requirement that Medicare-funded abortions be performed in a hospital.	2015 The province opens abortion services at the Moncton Hospital. Funded procedural abortions are now available at 3 hospitals, 2 of them in Moncton. Clinic 554, a general practice that also provides (unfunded) abortions, opens at the former Morgentaler clinic location. The province approves Medicare funding for Mifegymiso. 2019 Clinic 554 closes general practice due to "financial unsustainability," but the clinic staff continues to provide abortions.
2018 2020 2022	20's	2021 The Canadian Civil Liberties Association (CCLA) begins a lawsuit against the NB government claiming that Reg. 84-20 infringes on the Canada Health Act and the Charter. The federal government withholds transfer payments to the province and awards funding for this interdisciplinary research project to gather accurate, current information about access and barriers to abortion in NB.	