



## COMMONWEALTH of VIRGINIA

Karen Shelton, MD  
State Health Commissioner

Department of Health  
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September 6, 2024

### MEMORANDUM

TO: The Honorable L. Louise Lucas  
Chair, Senate Finance and Appropriations Committee

The Honorable Luke E. Torian  
Chair, House Appropriations Committee

The Honorable Mark D. Sickles  
Vice Chair, House Appropriations Committee

FROM: Karen Shelton, MD  
State Health Commissioner, Virginia Department of Health

SUBJECT: State Funding of Abortions in Cases of Fetal Anomalies

This report is submitted in compliance with the Virginia Acts of the Assembly – [Appropriation Act - Item 291 G. \(Special Session I, 2023\)](#), which states:

*Appropriation Act - Item 291 G. (Special Session I, 2023)*  
*The Virginia Department of Health shall report for each month within 30 days after the end of each month, on the number of procedures approved for payment pursuant to § 32.1-92.2, Code of Virginia, and include a description of the nature of the fetal abnormality, to the extent permitted by law, as required for eligibility under § 32.1-92.2, Code of Virginia. The department shall report the information by letter to the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees.*

Should you have any questions or need additional information, please feel free to contact me at (804) 864-7002.

KS/AJ  
Enclosure

Pc: The Honorable Janet V. Kelly, Secretary of Health and Human Resources

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**EXECUTIVE SUMMARY**

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The Virginia Appropriation Act - Item 291 G. (Special Session I, 2023) requires the Virginia Department of Health to submit monthly reports to the House Appropriations and Senate Finance and Appropriations Committees. The reports shall include the number of procedures approved for payment pursuant to § 32.1-92.2, Code of Virginia and a description of the nature of the fetal abnormality, to the extent permitted by law, as required for eligibility under § 32.1-92.2, Code of Virginia.

Descriptions of the nature of the anomalies are withheld pursuant to Code of Virginia §§ 32.1-41, 32.1-127.1:03, and 2.2-3705.5(1), as well as the Richmond Circuit Court's ruling in *The Family Foundation v. Oliver* (2020).

MONTHLY REPORT

STATE FUNDING OF ABORTIONS IN CASES OF FETAL ANOMALIES MANDATE

Month	Number of applications received	Number of applications approved	Nature of the fetal abnormality*
July 2022	3	3	--
August 2022	2	2	--
September 2022	3	2	--
October 2022	4	4	--
November 2022	4	3	--
December 2022	1	1	--
January 2023	1	1	--
February 2023	2	2	--
March 2023	1**	1**	--
April 2023	3	3	--
May 2023	3	3	--
June 2023	3	3	--
July 2023	4	4	--
August 2023	3	3	--
September 2023	2	2	--
October 2023	0	0	--
November 2023	3	3	--
December 2023	3	3	--
January 2024	2	1	--
February 2024			
March 2024			
April 2024			
May 2024			
June 2024			

\*Descriptions of the nature of the anomalies are being withheld pursuant to Code of Virginia §§ 32.1-41, 32.1-127.1:03, and 2.2-3705.5(1), as well as the Richmond Circuit Court’s ruling in *The Family Foundation v. Oliver (2020)*.

\*\*Corrected total for March 2023