

A stylized map of the United States is shown in a dark orange color. Overlaid on the map are several thick, light orange lines and arrows. Some lines are horizontal, while others are curved. Arrows point in various directions, including up, down, left, and right, suggesting movement or flow across the country.

Reproductive and LGBTQ+ Health Access: Emerging Risks and Responsibilities



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Executive Summary

Sector-Specific Risks and Recommendations in an Era of Rollbacks for Accessing Reproductive and LGBTIQ+ Healthcare

Over the past three years in the United States, access to reproductive and LGBTIQ+ healthcare has become an increasingly unpredictable patchwork of laws to navigate, which was made even more acute for companies that operate across multiple states. What is a protected right in one state may be criminalized in another, adding complexity to an already turbulent operating environment. Shifting policies, conflicting regulations, and rising enforcement pressures have led to uneven availability of reproductive healthcare, including abortion as well as LGBTIQ+ inclusive care, specifically gender-affirming care.

For tens of millions of employees across the country, location, employment status, and a combination of public policy and litigation, determine whether or how they receive time-sensitive care.

Companies are not just observers in this landscape. They are health plan sponsors, data stewards, service providers, and major employers. Their policies and systems influence how people access care and how protected they are when

This report outlines how companies can:



Respond to risks and responsibilities that are unique to each industry



Strengthen internal systems through benefits, privacy safeguards, and location-aware planning



Review external engagement, including public policy, litigation, and industry coalitions

doing so. What used to be considered a personal or political preference now affects a company's entire value chain.

This report builds on BSR's 2024 publication, [Navigating the Rollbacks in Protection of Reproductive and LGBTIQ+ Rights in the United States](#), which unpacked the rising risks facing the Financial Services. This subsequent guidance offers practical, sector-specific recommendations to help companies understand how they are already part of the care access landscape, and what they can do to protect their workforce, prepare for further impacts on products and services, and advance meaningful solutions that support communities and national competitiveness.

This publication provides tailored recommendations for the following sectors:

FINANCIAL SERVICES

How regulation, client policies, and data handling influence financial access.

TECHNOLOGY

Where platforms, data practices, and design decisions shape access, safety, and exposure.

TRAVEL AND HOSPITALITY

When companies enable those crossing state borders to access care.

PHARMACEUTICAL, BIOTECH AND PHARMACY SECTORS

How fulfillment practices and workforce protocols impact access to essential medications.

RETAIL

Where businesses are both major employers and points of sale for health-related consumer products.

ENERGY, EXTRACTIVES, TRANSPORTATION, AND INDUSTRIALS (EETI)

How site selection, shipping, and logistics impact the workforce and commerce.

Overview of the National Landscape for Reproductive and LGBTIQ+ Healthcare

Access to reproductive and LGBTIQ+ healthcare in the United States continues to evolve amid dynamic legal, regulatory, and political shifts. Changes at the federal and state levels have produced a fragmented and unpredictable environment. Businesses must navigate these complexities with care, balancing legal obligations with internal values, employee needs, and reputational considerations in an environment where increased scrutiny is the new normal.

Future Outlook

Reproductive and LGBTIQ+ healthcare access is expected to remain legally and politically contentious, with ongoing developments across several fronts:

- **Litigation Shifts:** Court decisions on gender affirming care bans and the Affordable Care Act's (ACA) preventive

services mandate, which includes contraception, HIV treatment, and other common healthcare interventions, could significantly shift national standards. Employers should prepare for rapid changes in coverage obligations and employee protections.

- **Federal Regulatory Shifts:** Agencies, such as the U.S. Department of Health and Human Services (HHS), may issue final rules affecting Medicaid, HIPAA protections, and Title X family planning funding. These could redefine access to care for millions of workers across the country. In June 2025, federal guidance was rescinded, restoring barriers to access to abortion in the event of a medical emergency where state laws restrict such procedures.
- **Potential Enforcement of the Comstock Act:** It is anticipated that the administration will likely rescind the Comstock Act Memo, issued in December 2022 after the overturn of *Roe v Wade*. The Comstock Act is a federal criminal statute enacted in 1873 that prohibits interstate mailing of obscene writings and any "article or thing designed, adapted, or intended for producing abortion." This would create new barriers to healthcare, specifically medication abortion, as well as expansive implications for commerce and privacy.
- **Data and Privacy Uncertainty:** Proposed changes or challenges to federal and state health data rules could further impact how companies handle reproductive and

RESOURCES

[Interactive Map: US Abortion Policies and Access After Roe—Guttmacher Institute](#)

[Abortion in the United States Dashboard—KFF](#)

[State Legislation—Equality Federation](#)

[Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2025—American Civil Liberties Union](#)

LGBTIQ+-related information. This affects HR systems, telehealth platforms, and third-party vendors.

- **State Fragmentation:** With hundreds of bills targeting LGBTIQ+ and reproductive rights, states will continue to diverge. Many of these laws include expanded private enforcement mechanisms, administrative penalties, and constraints on provider speech or online content. However, 23 states and D.C. have shield law protections related to reproductive health care, and 17 states and D.C. have shield law protections related to gender-affirming healthcare.

Current Snapshot of Federal and State Landscape Trends



Federal Legal and Policy Developments

REPRODUCTIVE HEALTH

Executive and agency actions significantly shape how reproductive healthcare is governed and accessed.

- **Medication Abortion Restrictions Loom:** HHS recently directed the FDA to review the regulations in light of new data on efficacy and patient risk. Medication abortion accounts for over half of abortion care in the U.S. The same treatment is also used in miscarriage care management. Further restrictions to medication abortion harm workforce health and safety.
- **Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Changes:** HHS issued a final rule in 2024 limiting the disclosure of protected health information (PHI) related to lawful reproductive healthcare to shield individuals from liability or investigation. Recently a judge ruled HHS acted unlawfully when it expanded the scope of HIPAA, thereby reversing the protection nationwide.

- **IVF Implications:** The federal administration called for expanded access to in vitro fertilization (IVF) through Executive Order. While some attorneys general have declined to enforce abortion bans against IVF providers, legal risks persist as courts may interpret existing laws more restrictively.
- **International Impact:** The recent reinstatement and expansion of the Mexico City Policy (also known as the Global Gag Rule) prohibits U.S. foreign aid from being distributed to organizations that provide, promote, or even discuss abortion services. In countries where U.S. aid supports maternal and public health programs, this policy disrupts access to critical services and weakens local healthcare infrastructure. Companies face diminished workforce health and readiness as well as fewer healthcare providers able to meet community needs.

LGBTIQ+ HEALTH

Recent executive and federal actions have introduced new restrictions and uncertainty around protections for LGBTIQ+ individuals, affecting both access to care and workplace inclusion policies.

- **Federal Definitions and Guidance:** Executive orders now define sex as binary, excluding references to gender identity in official agency documents and data collection.
- **Gender-Affirming Care Access:** Federal and state legislation have led to increased restrictions on gender-affirming care, prompting litigation in states such as Tennessee and Arkansas.
- **Civil Rights Guidance:** The rollback of Section 1557 guidance under the ACA has introduced ambiguity around protections against gender identity-based discrimination in healthcare. Enforcement has become inconsistent, and ongoing litigation adds further uncertainty.
- **International Impact:** The defunding of USAID programs undermines global HIV prevention and treatment efforts, with LGBTIQ+ communities disproportionately affected. LGBTIQ+ groups abroad, often reliant on U.S. funding, are closing, leaving vulnerable populations without support in increasingly hostile environments.



State Legal and Policy Developments

Don't Ban Equality is a platform of 1,000+ businesses, located in all 50 states, from publicly traded to owner led, making the case that abortion access is a workforce and economic issue.

REPRODUCTIVE HEALTH

With the revocation of the constitutional right to abortion in the wake of the fall of *Roe*, states have become the primary battleground for access, resulting in a fragmented landscape.

- **Infrastructure and Access Impacts:** In the Southeast and much of the Midwest, abortion bans and restrictions have led to widespread healthcare center closures. Neighboring states like Arizona, California, Colorado, Illinois, Kansas, Ohio, and Virginia have had substantial increases in out-of-state patients, straining local capacity. These shifts impact employee healthcare coverage networks spanning maternal, reproductive, IVF, and LGBTQ+ inclusive care.
- **Data Monitoring Challenges & Censorship Threats:** States

with restrictive policies often limit or avoid public reporting on reproductive health outcomes. For instance, Texas has reduced transparency around abortion complication data and maternal morbidity. Additionally, Missouri and Texas introduced bills that would censor internet service providers or other entities from providing accurate information on sensitive healthcare topics.

- **State Legislation Trends:** Currently, there are sixteen states where abortion is illegal or highly restricted. Among the trends in state policies are increased criminalization, privacy incursions, and seeking to curtail employer benefits. Now, eleven states include protections for abortion rights in the state constitution. Thirteen states require abortion coverage in private health insurance plans.

LGBTIQ+ HEALTH

- **Legal Variation by Jurisdiction and Coverage Differences:** State-level disparities in both anti-discrimination laws and insurance mandates significantly affect access to gender-affirming care. While states like California and New York have codified protections and require coverage, others such as Florida and Missouri have imposed restrictions.
- **Ongoing Litigation:** High-profile cases like *L.W. v. Skrametti* could set precedence for similar laws nationwide, eroding access to gender-affirming care for patients. Other challenges may reach the U.S. Supreme Court, creating additional uncertainty.
- **State Legislation Trends:** States have taken divergent approaches to LGBTQ+ rights, creating compliance challenges for employers. For example, Georgia seeks to ban public funding, including Medicaid and state employee plans, for gender-affirming care. Iowa removed gender identity as a protected category under civil rights law, stripping related employment and housing protections. Florida has expanded restrictions on gender-affirming care coverage, limiting access for adults under Medicaid and some private plans.

Recommendations for Companies Across Industries on Navigating Rollbacks

Access to reproductive and LGBTIQ+ healthcare is affected by legal, political, and social changes. These shifts impact employees' ability to obtain necessary care and introduce enterprise-wide risks for companies.

Across all industries, the recommendations below can help companies prepare, anticipate, and protect their workforce, as well as the communities where they live and operate.

Take the Reproductive and Maternal Health (RMH) Compass benchmark, a new comprehensive performance standard for employers to measure their reproductive and maternal health benefit offerings.

Provide Responsive Employee Benefits

Healthcare benefits provided by the private sector reach nearly fifty percent of the workforce in the U.S. Variations in plans across geographies, provider networks, and coverage have an outsized impact on employee access, particularly around reproductive healthcare and family-building services.

- ✓ **Include a full range of services** in your health plans to meet employees' needs as well as attract and retain talent. Coverage can go beyond ACA-required minimums to include abortion, fertility support, gender-affirming care, and mental health care. Provide up-to-date information about available benefits, eligibility, how to request support, and the privacy protections in place.
- ✓ **Set a baseline standard for access to care.** Ensure employees in every location can access care by offering assistance and paid sick days.
- ✓ **Use telehealth and remote service providers** to offer virtual access to both reproductive and LGBTIQ+ care where in-person services are limited.
- ✓ **Ensure that benefits apply to all worker types.** Extend access to part-time, hourly, and contract workers when possible, or offer alternate support programs where legal or contractual limits apply.



- ✓ **Review benefits semi-annually.** Monitor employee use, solicit feedback, and assess legal changes to update coverage and address barriers. Additionally, employee benefit managers should remove obstacles to point-of-purchase insurance coverage for over-the-counter medications seen as sensitive, such as contraceptives.
- ✓ **Train managers and HR staff.** Ensure those interacting with employees can speak accurately and sensitively about care access options and privacy.
- ✓ **Apply strong data protection standards.** Limit access to reproductive and LGBTIQ+ health information, enforce vendor compliance with privacy protocols, and monitor for breaches or misuse.
- ✓ **Offer anonymous and opt-in services.** This includes confidential navigation tools, hotlines, and benefits support channels for employees needing help accessing care.

Update Criteria for Event and Office Site Selection

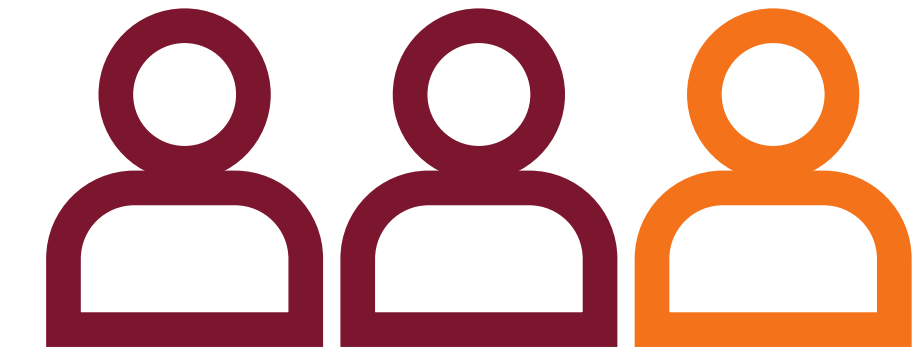
Access to healthcare and state reputation influence people's choices about where they want to live and work. Companies may not publicize that these factors are decision-makers in site selection, but it is a new variable. Business leaders can:

- ✓ **Understand and manage the growing safety risks** related to travel for your workforce. Review existing or consider establishing travel policies that acknowledge the risks of travel and hosting events in places where healthcare is illegal or inaccessible.
- ✓ **Ask questions relevant to event site selection** as well as long-term footprint. For events, consider using contract language that allows cancellation without penalty if a destination state enacts legislation that would repeal existing legal protections or bans access to healthcare.
- ✓ **Consider state restrictions on health when selecting office locations**, data centers, or related assets that might give a state jurisdiction over the user data.

Establish Multi-Function Governance and Operations

Ongoing monitoring and adjustments rather than one-time responses siloed in HR or temporary working groups are needed. Clear ownership ensures consistency and accountability.

- ✓ **Designate an executive-level** owner responsible for care access strategy, policy alignment, and responding to flashpoints. This role should collaborate across functions including human resources, legal, and government affairs.
- ✓ **Include care access in enterprise risk planning.** Assess potential impacts on workforce health and safety, risk, and reputation.
- ✓ **Implement healthcare-specific subpoena-response plans** that are compliant with federal and state data privacy laws but scrutinize what is requested as well as inform consumers or employees of requests. As part of these plans, companies should ensure that their internal legal teams are involved and directly engaged in compliance efforts. Prosecutors may work in collaboration with law enforcement to gather information such as purchasing history or transaction data to prosecute individuals and healthcare providers.



For the third consecutive year, a BSR/Morning Consult poll indicates by a 2 to 1 margin, workers want to be in states where abortion is legal and accessible.

- ✓ **Track law enforcement requests**, especially for companies in tech, financial services, retail, pharmaceutical, and travel sectors, by both the origin of the request and the location of the subject or data. To promote accountability and detect emerging risks, they should also disclose metrics on the number of requests received, how they were handled (e.g., complied with, challenged), and monitor geographic trends over time.

Educate Officerholders and Decision-makers about the Cost, Chaos, and Collateral Damage of Healthcare Restrictions on the Private Sector

Business leaders should share with officeholders and decision-makers how care access is a material business concern. The collateral harm of restrictions extends well beyond just these forms of care—implicating talent pipelines, and state reputation/rankings, creating unnecessary burden for businesses in an already fraught environment. Collective diplomacy by the business community can be a powerful way to educate officeholders on the cost and chaos caused by bans and restrictions. In particular, small businesses are among the most trusted institutions across the political spectrum.

Companies can:

- ✓ **Prepare executives**, including board members, to understand the topic and the vast implications. Executive awareness, understanding, and support for wrestling with the complexities within the company is a prerequisite.
- ✓ **Privately work in coalition** through business associations at the local, state, and federal levels to find ways to raise the issue as a geographic and/or industry concern.
- ✓ **Join *amicus* briefs** to signal an understanding of the greater stakes and provide relief and protection for workforce impact as well as operational challenges.

Industry Profiles: Ways to Review, Respond, and Strengthen Given Risks and Responsibilities

As reproductive and LGBTIQ+ care access is increasingly shaped by fragmented laws, policy rollbacks, and legal uncertainty, companies across sectors face distinct operational, legal, and reputational implications. These impacts show up differently across industries, whether through product accessibility, consumer data risks, workforce safety, or care delivery constraints.

The following industry sections are designed to help companies assess these dynamics and respond in a way that aligns with their structure, function, and level of exposure. Each section includes:

IMPLICATIONS

related to how care restrictions affect business operations, employee and consumer access, or compliance risks within that sector.

TRENDS

highlighting recent company movements and shifts in strategy in response to litigation and policy changes.

RECOMMENDATIONS

Cross-Functional Recommendations for action, structured into three categories:



ACT Direct operational or strategic considerations a company can implement



ENABLE Tools and safeguards to support implementation across teams or functions



INFLUENCE Strategies for shaping broader policy, partnerships, or public engagement

These recommendations are not prescriptive. They are intended to support cross-functional consideration across teams and should be adapted based on a company's structure, priorities, and risk landscape.

Financial Services

—————→ KEY IMPLICATIONS —————→ TRENDS —————→ RECOMMENDATIONS

The financial services industry includes institutions that manage, invest, and move money for individuals, businesses, and governments. This sector covers banks, credit unions, insurers, asset managers, payment processors, and fintech firms, among others. It enables key economic functions such as lending, savings, investment, risk management, and financial transactions, and operates under strict regulatory oversight to ensure market stability and consumer protection.

IMPLICATIONS AND TRENDS



Strengthening Compliance Through Benefits Audits

Select firms have expanded internal audits to ensure that employee healthcare coverage remains compliant and equitable across jurisdictions with differing reproductive and LGBTIQ+ healthcare laws.



Enhancing Consumer Privacy in High-Risk Jurisdictions

A few institutions have implemented updated privacy protocols to limit the exposure of care-related financial transactions, particularly in states with aggressive legal enforcement.



Reevaluating Engagement for Targeted Clients

Some banks and financial service providers have begun piloting revised onboarding procedures, lending policies, and legal reviews for clients operating in the healthcare and advocacy sectors, especially those expanding services across state lines.



Debanking and Deplatforming Pressures

Financial institutions face increased external pressure to potentially sever ties with reproductive and gender-affirming care providers and other groups that enable access to care. At the federal and state levels, officeholders who have an agenda to eliminate access to care seek to restrict access to financial institutions, products, and services.

THE INDUSTRY LANDSCAPE

In the 2024 report titled *Navigating the Rollbacks in Protection of Reproductive and LGBTIQ+ Rights in the U.S. Financial Institutions*, BSR outlined sector-specific vulnerabilities that financial institutions were beginning to face in the wake of increasing legal fragmentation. The report encouraged firms to adopt a principles-based approach to reduce operational disruption and reputational harm while maintaining service continuity across jurisdictions. Implications for this industry identified in the report included:

- **Inconsistent Benefit Delivery Across Jurisdictions:** Firms operating across multiple states struggled to maintain equitable benefit offerings, such as travel reimbursement for care, in light of conflicting state-level restrictions. These inconsistencies create challenges for human resources and legal departments.
- **Care Access Entering Risk and Compliance Functions:** Some financial institutions began incorporating care-related considerations into core risk frameworks, including benefit audits, credit exposure assessments, and Know Your Customer (KYC) protocols. This reflected a growing awareness that care access could pose systemic business risks.
- **Insufficient Consumer Privacy Protections:** In states targeting care-related activity, standard consumer data practices left gaps in protection. Financial institutions faced heightened pressure to strengthen safeguards against the exposure or misuse of financial data tied to sensitive healthcare transactions.



.....ACT.....

Enhance Consumer Privacy Protocols in Targeted Jurisdictions

Strengthen data protections for transactions linked to reproductive or LGBTIQ+ care. Reduce data retention, limit third-party access, and encrypt sensitive records. Prioritize implementation in jurisdictions with elevated subpoena activity or anti-care enforcement.

Adjust Client Onboarding and Lending Criteria for At-Risk Sectors

Revise credit models and due diligence forms to ensure fair access for abortion and gender-affirming care providers, legal defense groups, and advocacy nonprofits. Safeguard against reputational bias and ensure these sectors are not penalized by standard compliance or discretionary lending decisions.

Provide Access to Capital for Community Support

Support facilities expanding across state lines to meet care demand. Connect clients with low-interest loan programs for expansion, upgrades, or legal defense.



.....ENABLE.....

Establish Internal Care Risk Coordination Hubs

Create dedicated internal teams that include legal, compliance, operations, and frontline staff to track regulatory changes, coordinate responses to enforcement actions, and advise on care-related risks. Ensure escalation protocols are in place for handling politically sensitive client situations, subpoenas, or payment disruptions.

Design Contingency Banking Pathways for Vulnerable Clients

Develop standby processes, such as temporary account holds, rapid re-verification workflows, and pre-approved onboarding referrals, for clients at risk of being debanked due to upstream provider restrictions or de-risking decisions. Ensure service continuity without violating legal obligations.



.....INFLUENCE.....

Participate in Industry Benchmarking and Risk Mitigation Initiatives

Engage with financial associations, regulatory roundtables, or multi-stakeholder working groups to compare practices for managing care-related financial risk. Use findings to refine internal policies and push for consistent, non-discriminatory practices sector wide.

Prepare Stakeholders for Retaliatory Enforcement Risks

Educate policymakers, board members, and government clients on how care-related enforcement, such as penalizing firms for employee benefits or serving controversial clients, can destabilize financial access. Develop response plans for scenarios like state contract cancellations, regulatory scrutiny, or political retaliation.

Technology

—————→ KEY IMPLICATIONS —————→ TRENDS —————→ RECOMMENDATIONS

The technology sector encompasses companies that develop and maintain digital platforms, software, consumer devices, data infrastructure, and artificial intelligence tools. In addition to serving consumer markets, the tech industry provides core products and services that enable operations, logistics, and innovation across all other industries.

IMPLICATIONS AND TRENDS



Technology is core to care access

These companies are no longer just vendors; they are central to how care is delivered. This role brings increased responsibility, especially in legally and politically volatile environments. Digital tools once seen as optional are now essential to healthcare. Activities ranging from patient travel to intake, claims processing, and benefits access depend on cloud platforms, Application Programming Interfaces (APIs), and operating systems built by major tech firms.



Product design and deployment may lack comprehensive protections

While many companies have risk assessments and some safeguards in place, product design and deployment often do not fully address potential harms to users. Features such as location tracking, behavioral analytics, and data sharing may be implemented without a thorough review from an intersectional human rights lens, particularly when optimized for engagement or marketing rather than user safety. A few companies adopted end-to-end encryption or limited location tracking, but these actions remain voluntary and uneven.



Data-rich devices may increase surveillance without proper safeguards

Smartphones, wearables, and biometric tools collect detailed user data that can indicate whether someone is seeking reproductive or gender-affirming care. Without strong privacy controls, these tools can expose users to profiling, surveillance, or prosecution action. However, appropriate design choices, such as data minimization, localization, and effective opt-outs, can significantly reduce these risks.



Legal and political pressure shapes platform decisions

States have subpoenaed tech firms for GPS data, search history, and app use tied to abortion or gender-affirming care. Whether the data is protected often depends on shield laws or pending litigation. Activist campaigns have also pressured platforms and app stores to restrict care-related tools. Some companies have added regional privacy controls as a result of state law, but in the absence of updated federal privacy laws, protections remain inconsistent.

THE INDUSTRY LANDSCAPE

From 2022 to 2025, tech companies have become increasingly central to how people search for, access, and manage reproductive and LGBTIQ+ healthcare. A wide range of digital tools, including health apps, search engines, messaging platforms, and fertility trackers, have raised serious concerns about how sensitive user data is collected, stored, and shared.

In several states, investigators have used subpoenas to obtain GPS histories, app activity, and search records tied to abortion or gender-affirming care. In response, some companies have strengthened encryption or changed location tracking defaults to reduce exposure. Still, privacy protections remain uneven, and many platforms continue to share data with brokers and other third parties despite public pressure and regulatory scrutiny.

To push back against these risks, several states have introduced shield laws that aim to protect patients and providers from out-of-state investigations involving reproductive or gender-affirming care. At the same time, healthcare systems are becoming more dependent on cloud platforms, enterprise software, and connected devices to manage logistics, confirm access, and process coverage.

While these technologies offer efficiency, they can also create privacy risks, especially when systems are not designed with vulnerable populations in mind. As digital infrastructure becomes more deeply integrated into healthcare delivery, tech companies face growing pressure to protect patient privacy and access to care, yet most still lack clear standards and coordinated systems to manage these risks responsibly.



.....ACT.....

Launch Targeted Privacy Enhancements for Health Access Contexts

Implement privacy controls specifically tailored to care-related risks, including the ability to disable GPS tracking near sensitive locations and anonymize behavioral data tied to reproductive or LGBTQ+ content. Develop intuitive opt-out tools, such as incognito search, that accommodate a range of literacy and tech access levels through multilingual prompts, icon-based interfaces, and simplified workflows.

Develop Region-Aware Deployment Protocols for Sensitive Services

Embed legal and regulatory flags into engineering workflows to prevent blanket service restrictions. Use geofencing and modular product deployment to enable features like telehealth, gender-affirming care tools, or provider locators where legally permissible, and to clearly communicate limitations, with support from legal counsel, to users in other regions without excluding them entirely.



.....ENABLE.....

Establish External Advisory Channels for Risk Review

Create formal review pipelines with credible external partners, including digital rights organizations, reproductive health, and LGBTQ+ experts, to assess new features, conduct red-teaming against misuse scenarios, and validate protections before launch.

Form a Cross-Functional Care Access Risk Task Force

Build an internal working group with representatives from legal, trust and safety, privacy, public policy, and product teams with engagement from relevant LGBTQ+ and reproductive organizations. Assign responsibility for tracking real-time legal changes (e.g., shield laws, subpoenas), issuing internal guidance on access risks, and coordinating cross-team action plans in response to litigation or state-level policy shifts.



.....INFLUENCE.....

Champion Industry Standards for Harm-Aware Product Design

Join coalitions and standards bodies (e.g., IEEE, GNI) to co-develop formal frameworks for assessing and mitigating risks related to care access. Push for frameworks that treat user exposure to legal, physical, or emotional harm as a core design consideration, not an afterthought.

Collaborate Across the Ecosystem to Address Indirect ("By-Proxy") Risk

Work with enterprise clients and infrastructure providers to identify where core technologies may affect reproductive or LGBTQ+ care access. Integrate privacy-enhancing defaults, legal risk assessments, and deployment guidance into onboarding and implementation workflows. Stay aligned with expert guidance with groups like the Center for Democracy & Technology (CDT), GNI, and Electronic Privacy Information Center (EPIC), using their insights to inform product updates and public policy positioning.

Travel and Hospitality

→ KEY IMPLICATIONS → TRENDS → RECOMMENDATIONS

The travel and hospitality sector includes hotels, airlines, booking platforms, rideshare services, buses, trains, and travel logistics providers. These businesses shape the experience of travelers, manage sensitive consumer data, and employ a vast frontline workforce. Their infrastructure intersects with care-related mobility, particularly for individuals seeking reproductive or gender-affirming healthcare across state lines.

IMPLICATIONS AND TRENDS

PICK-UP ZONE

Hospitality Environments as De Facto Landing Zones for Care Seekers

Hotels, rideshares, and short-term rentals often serve as the first point of arrival for individuals traveling to states or regions where care is legally accessible. In the absence of coordinated public infrastructure, these environments act as informal safe havens, placing hospitality providers in a critical position to offer consistent, privacy-conscious, and respectful support for care-seeking guests.

Inconsistent Protocols Create Frontline Uncertainty

Care-related travel presents unique challenges that many frontline staff are unprepared to handle. When escalation procedures vary by location or brand, companies risk inconsistent guest experiences and operational confusion that can erode trust and increase liability.



Overlooked Role in Building Geographic Access

Travel and hospitality companies have a critical yet often overlooked role in connecting people to care across state lines. Their route planning, pricing, and service availability can either widen or reduce gaps in access to reproductive and LGBTIQ+ healthcare. These platforms also collect geolocation and behavioral data that may signal care-seeking activity. Much of this data is shared with brokers and analytics firms, with little regulation or oversight. As a result, users, providers, and institutions may face indirect surveillance, hacking, or legal risk.



Chilling Effect on Traveler Confidence in Restrictive Regions

Legal uncertainty and high-profile enforcement efforts have made some travelers hesitant to cross state lines for care-related purposes. This chilling effect is especially pronounced among LGBTIQ+ individuals, reproductive health patients, and groups that enable access. Travelers may alter itineraries, avoid entire regions, or reduce engagement with hospitality services. This hesitancy introduces new volatility and risks to workers and guests.

THE INDUSTRY LANDSCAPE

As legal restrictions on reproductive and gender-affirming care intensified between 2022 and 2025, more people turned to travel as a means to access essential healthcare, placing the hospitality industry in a critical yet often overlooked position. While care-related travel surged, most companies continued to rely on standard guest privacy protocols without adjusting for emerging legal or reputational risks. Booking platforms and loyalty programs often retain sensitive information, such as location histories and payment records, without clear safeguards to prevent misuse or exposure to subpoenas.

On the ground, frontline staff were rarely trained to handle sensitive travel situations, creating operational blind spots. Marketing campaigns highlighted inclusiveness, but internal policies and employee guidance did not always reflect that commitment.

A small number of companies began partnering with nonprofits and health access organizations to support care travelers, signaling early efforts at corporate responsibility. By 2025, the sector faces sharper regulatory scrutiny over data retention and compliance, especially in light of state-level efforts to police health-related travel and information gathering. At the same time, both guests and employees place higher value on discretion, clarity, and neutrality in service environments. Most companies in the industry have approached care-related travel or lodging through ad hoc partnerships or basic compliance measures, with limited sector-wide action to adapt data practices, staff protocols, or guest services to this evolving area of risk and responsibility.



.....ACT.....

Implement Near-Term Data Minimization and Law Enforcement Safeguards

Review booking, loyalty, and payment systems to reduce the collection of sensitive traveler data. Establish tiered data retention policies while maintaining service quality. Adopt clear policies to reject warrantless law enforcement requests and avoid voluntary data sharing, including when guests are onsite or in transit. Where legally possible, notify users of data requests tied to their activity along with their rights.

Train Frontline Workers on Sensitive Traveler Protocols

Incorporate short, practical training into onboarding and refresher courses to help staff respond appropriately when travelers disclose that their trip relates to healthcare access. Focus on neutral language, guest confidentiality, respectful communication, and escalation pathways for sensitive situations.



.....ENABLE.....

Reinforce Traveler Protections Across Loyalty Programs and Digital Touchpoints

Embed clear, optional privacy disclosures and dignity-focused services into loyalty apps, booking sites, and guest messaging. Share vetted resources from trusted organizations to help guests navigate legal risks while minimizing exposure for employees. Clearly communicate protections for staff assisting guests as part of routine business.

Affirm Inclusive Travel Practices and Safe Hospitality Commitments

Develop internal policies and public messaging that reflect a commitment to inclusion and traveler dignity. Certify properties as LGBTIQ+ safe spaces, where doing so would not put travelers at risk, to highlight affirming destinations in marketing, and, where allowed by law, decline to host events that promote discrimination.



.....INFLUENCE.....

Build Sector-Specific Partnerships to Improve Guidance and Messaging

Collaborate with travel safety experts, legal scholars, and community groups to co-create traveler guidance and frontline messaging tailored to regions with complex legal environments. Use these partnerships to inform internal policies and communications without requiring companies to provide direct care referrals.

Join Coalitions and Leverage Business Associations to Address Operational Challenges

Work with peers (e.g., IGLTA, Open for Business) to educate policymakers on the business risks created by inconsistent laws and enforcement. Advocate for clear, consistent standards that protect travelers and employees without imposing reactive or overly burdensome compliance demands.

Pharmaceutical, Biotech, & Pharmacy Sectors

→ KEY IMPLICATIONS → TRENDS → RECOMMENDATIONS

The pharmaceutical, biotech, and pharmacy retail sectors are core to healthcare delivery in the U.S., encompassing drug development, manufacturing, logistics, and consumer-facing medication delivery. These sectors support essential services related to both reproductive and LGBTIQ+ health, including contraception, abortion care, HIV prevention and treatment, fertility services, and gender-affirming therapies. As major employers and key nodes in the healthcare system, their actions significantly shape both workforce protection and patient access.

IMPLICATIONS AND TRENDS



Frontline Workers Face Heightened Complexity Without Uniform Safeguards

Pharmacists and pharmacy staff are increasingly managing sensitive care requests without consistent training or policy guidance. This creates risk for both employees and patients, especially in states with restrictive or conflicting laws. Furthermore, “conscience clauses” can cause delays when timely care is essential.



Geographic Variability Creates Uneven Access to Essential Medications

Care access for both reproductive and LGBTIQ+ populations is increasingly dependent on the state. Products are subject to supply limitations, fulfillment restrictions, or denial in certain regions.



Innovation Slowdown in Reproductive and LGBTIQ+ Treatments

Evolving state-level policies and sociopolitical pressures related to reproductive and LGBTIQ+ care may be influencing how companies approach research and development strategies. Legal uncertainty, provider limitations, and

investor caution could contribute to reduced momentum in developing new therapies and care models.



Growing Brand and Trust Risks

Perceived backsliding or lack of transparency around reproductive or LGBTIQ+ issues can result in reputational damage, consumer backlash, or workforce pressures. In recent years, several national chains have faced public criticism or boycotts following decisions perceived as restricting access to certain medications.



Supply Chain Disruptions in Restrictive States

Companies involved in drug development, manufacturing, and distribution may face growing risks if facilities are located in states that restrict reproductive or gender-affirming care. Even federally approved medications can be subject to scrutiny, affecting production and legal compliance. Transporting or delivering these products through or into restrictive states adds further complexity, potentially resulting in delays, refusals, or legal exposure.

THE INDUSTRY LANDSCAPE

State laws governing which pharmacies can distribute and under which conditions have shifted rapidly, particularly in relation to medications tied to reproductive and gender-affirming care. This legal volatility has required frontline pharmacy staff to respond in real-time, often without clear institutional policies. Some organizations have retooled operational tactics first developed during the pandemic, such as contactless pickup and privacy-aware workflows, to reduce risk in politically sensitive environments. However, these adjustments were often short-term fixes. For example, managing the Risk Evaluation and Mitigation Strategy (REMS) process for mifepristone has required balancing federal oversight with uneven state enforcement, creating both compliance burdens and workflow uncertainty. A few companies have issued public or private statements in response to state-level bans.

Decentralized care models, including telehealth and in-store clinics, have grown in importance, especially for communities navigating access barriers, but they remain entangled in regulatory limits around licensing, data-sharing, and scope of practice. Conscience clause laws further complicate access that permits pharmacists to refuse certain prescriptions on religious or moral grounds. The pharmacy sector is operating in a fragmented landscape where front-line staff, retail systems, and clinical tools are under growing pressure to manage legal, ethical, and operational conflict without consistent protections or guidance.



.....ACT.....

Implement Low-Disclosure Pharmacy Workflows for Sensitive Transactions

Pilot workflows that reduce patient exposure when accessing sensitive medications. Start with voluntary labeling, masked prescriptions for eligible medications, and optional private pickup or delivery options. These can be layered onto existing pharmacy infrastructure without requiring full system overhauls.

Develop Contingency Protocols for Therapy Access Disruptions

Establish internal protocols to reallocate inventory or coordinate with third-party distributors during regulatory shifts or access disruptions. Focus on medications with known regulatory variability, such as medication abortion or gender-affirming hormones. Pair this with inventory monitoring in regions with fluctuating legal climates rather than building new infrastructure.



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Strengthen Clinical Trial Protections

Partnering with institutions located in shield states and community-based organizations to conduct trials involving reproductive and LGBTIQ+ health. Ensure clear privacy safeguards, including de-identification of sensitive health data, limited cross-jurisdictional sharing, and participant protections against legal exposure. Companies can offer funding or technical support for secure enrollment systems, decentralized trial sites, and ethics training for trial administrators.

Update and Standardize Conscience Clause Workarounds

Review legally compliant internal protocols to handle patient care when a staff member declines to dispense medications. While solutions may already include redirecting the patient to another staff member or pharmacist, offering digital fulfillment alternatives, or using pre-authorized override systems to prevent delays—new laws, litigation and threats of criminalization will test procedures.



.....INFLUENCE.....

Join Cross-Industry Coalitions and Responses to Threats to Access

Participate in coalitions focused on safeguarding scientific research, service delivery, and innovation continuity (e.g., BIO, [Responsible Innovation Labs](#)). This could include pharma and retail pharmacy consortia, public-private partnerships, or trade association working groups. Companies can begin by aligning on shared messaging and participating in existing federal or state-level advocacy efforts.

Monitor Legal Trends and Communicate Impacts Internally and Externally

Create internal policy tracking functions (e.g., via legal or compliance teams) to monitor changes in treatment coverage, access, and restrictions, including federal-level litigation that could affect preventive services, contraceptive coverage, fertility access, or related mandates under the ACA. Use this intelligence to inform formulary decisions, staff training updates, and customer communication. Where appropriate, share impact analyses with industry peers and regulators to shape thoughtful implementation timelines.

Retail Sector

—————→ KEY IMPLICATIONS —————→ TRENDS —————→ RECOMMENDATIONS

The retail industry encompasses businesses that sell consumer goods and services directly to customers through physical stores, e-commerce platforms, and hybrid models, acting as key access points, especially for non-prescription healthcare-related products. Approximately 55 million workers in the U.S. are employed by retailers, making them critical players in both consumer access and workforce well-being.

IMPLICATIONS AND TRENDS



Rising Legal Risks

Retailers face heightened legal exposure due to conflicting state laws as well as the potential for enforcement of the [Comstock Act](#) (1873) which would impact sales, shipments, or displays of “sensitive” products. These challenges are especially urgent for companies that sell products deemed “obscene,” distribute across state lines, or engage in direct-to-consumer prescription services.



Increased Consumer Privacy and Data Protection Liabilities

Insufficient controls around digital tracking and consumer profiling heighten the risk of subpoenas, litigation, and consumer distrust. With digital platforms now common for sensitive product access, a lack of opt-in protections or encrypted handling of behavioral [data](#) leaves both companies and consumers vulnerable.



Disruptions to Inventory and Fulfillment Processes

Geographic disparities in product access, labeling requirements, and shipping restrictions challenge inventory management, compliance, and customer trust. Fragmented laws create fulfillment delays, inconsistent offerings across markets, and confusion for both staff and shoppers.



Growing Threats to Worker Safety and Preparedness

Frontline workers experience increasing safety [threats](#) without sufficient support mechanisms or protocols. Employees report harassment related to product stocking, gender-affirming item visibility, or engagement with consumers on health-related questions, often without clear escalation or legal protection channels.

THE INDUSTRY LANDSCAPE

In the months following the [fall of Roe](#), consumers raised concerns about how companies were protecting frontline retail workers, particularly in areas where reproductive and gender-affirming care had become restricted. At the same time, healthcare-related products became more visible, and more contested, on store shelves. Emergency contraception, pregnancy tests, and medication abortion were among the items that drew attention, with some retailers [imposing](#) purchase limits or adding security measures.

As the e-commerce infrastructure expanded, some companies did not fully assess the privacy implications of health-related shopping behavior, including data collection and targeting practices. In 2025, retailers are adjusting to a regulatory environment that remains unsettled. Requirements for stocking, labeling, and shipping certain products vary by state, and in some cases, federal statutes like the [Comstock Act](#) have resurfaced as a source of legal uncertainty.

Consumers are also expressing greater interest in transparency around [data use](#), especially when it involves sensitive or health-related transactions. In stores, frontline employees continue to manage sensitive customer interactions without always having clear protocols, training, or [escalation guidance](#) in place. For retailers, the combination of shifting product rules, consumer privacy expectations, and frontline pressures is no longer peripheral. It is reshaping day-to-day operations and prompting more careful attention to how policy, staffing, and inventory decisions are made.



.....ACT.....

Equip Frontline Workers to Manage Sensitive Situations Safely:

Provide training modules for employees on how to handle customer interactions involving care-related products, with an emphasis on neutral, non-stigmatizing language. Training should include de-escalation tactics, scripted customer engagement guidance, and clear steps for escalating to management or security when needed. Human resources policies should also address protections and resources for employees facing politically charged scenarios, such as legal inquiries or targeting by 'secret shoppers'.

Pilot Supplemental Care Access for Non-Full-Time Workers:

Many employees may not be eligible for full benefits, prompting companies to consider ways to support access across different worker groups. Pilots could include offerings such as telehealth partnerships, wellness stipends, or community care access, and should be designed to assess demand and feasibility for broader implementation.



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Add Simple Privacy Controls to Shopping Platforms:

Implement opt-in settings for all health-related data collection in line with General Data Protection Regulation (GDPR) best practices. Make toggling privacy controls intuitive and clearly accessible. Monitor data patterns that may flag consumers unintentionally, such as sudden changes in reproductive or gender-related health purchases.

Update Shipping Privacy for Sensitive Healthcare Items:

Use plain, discreet packaging and generic language on packing slips. Remove brand identifiers and minimize, while retaining FDA required information, visibility of product type, similar to best practices used by telehealth companies.



.....INFLUENCE.....

Conduct Legal and Inventory Audits:

Review all products and materials for potential risk under evolving obscenity, abortion-related, or anti-LGBTIQ+ laws. Establish consistent policies for in-store and online sales across jurisdictions. Use audit findings to inform point-of-sale messaging, website disclaimers, and packaging labels that clarify shipping restrictions, jurisdictional limitations, and consumer privacy practices. Develop business continuity plans that account for politically motivated litigation, undercover investigations, and reputational risk.

Engage with Trade Associations:

Collaborate with national and state-level retail trade associations to support legislative engagement and coordinate collective responses to emerging legal threats, particularly as they relate to Comstock enforcement and interstate commerce protections.

Energy, Extractives, Transportation, Industrials

—————→ KEY IMPLICATIONS —————→ TRENDS —————→ RECOMMENDATIONS

The Energy, Extractives, Transportation, and Industrials (EETI) sector includes companies that produce and distribute fuels, extract natural resources, operate logistics and freight networks, including both business-to-business and direct-to-consumer delivery services, and manufacture the equipment, machinery, and components that support industrial and community infrastructure.

IMPLICATIONS AND TRENDS



Workforce vulnerabilities

Companies may face long-term workforce attrition and instability in U.S. regions with hostile reproductive or gender-affirming care laws, especially as the industry has particularly seen talent pools shrink.



Freight liability risk

Logistics firms and shippers that deliver medications or medical devices across states will increasingly navigate evolving interpretations of federal law, including possible enforcement of the Comstock Act.



Surveillance and privacy exposure

Transportation telemetry and freight tracking technologies can be subpoenaed in legal investigations tied to healthcare access. Without strict privacy protocols, companies may expose both themselves and their employees to legal risk.



Permit reviews and infrastructure disruption

When industrial or energy projects go through compliance reviews, companies often focus on air, water, and ecological impacts, overlooking how site locations affects care infrastructure (e.g., closing a road that leads to a rural clinic). In areas with limited resources, small disruptions to transit routes or power supply can potentially wipe out access altogether.

THE INDUSTRY LANDSCAPE

In recent years, many EETI companies extended employee health benefits to include telehealth and travel reimbursement, particularly in response to shifting access to reproductive care. These policy adjustments were primarily housed within HR departments and rarely translated into broader operational planning. Even as multiple states advanced restrictions on gender-affirming care, site selection, and infrastructure investment decisions continued to prioritize factors such as freight efficiency, permitting timelines, and land costs. In some cases, these choices placed new or expanded facilities in jurisdictions with limited legal protections for LGBTQ+ and reproductive health access.

While companies emphasized inclusion at the corporate level, few anticipated how local healthcare conditions might affect employee relocation, retention, or safety, especially in sectors requiring workers to be on-site or mobile across state lines. In 2025, these dynamics are becoming harder to ignore. National surveys show that younger and historically marginalized workers are increasingly factoring healthcare access into job decisions and relocation preferences. At the same time, legal ambiguity around the Comstock Act has introduced new concerns for freight carriers and logistics operators involved in transporting healthcare products across jurisdictions. Together, these trends are raising new questions for EETI companies about workforce mobility, site-level risk, and the operational impacts of healthcare access across different regions.



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Integrate Care Access Metrics into Site Selection and Expansion

Update site evaluation frameworks to require assessments of local access to essential medical services, public health system resilience, and labor market viability. Elevate healthcare-related risks as part of considerations during capital investment decisions.

Conduct Vulnerability Audits Across Freight and Logistics Operations

Create internal compliance playbooks and legal risk protocols specific to freight and shipping of potentially targeted healthcare materials. Conduct audits to identify shipment routes and practices vulnerable to reviving federal enforcement or cross-state legal conflicts.



.....ENABLE.....

Embed Privacy Safeguards into Transportation and Logistics Technology

Institute mandatory privacy reviews for all vehicle tracking, freight monitoring, and logistics platforms. Default to minimizing personally identifiable information collection, encrypting data in transit and storage, and providing clear escalation channels for legal and privacy inquiries.

Implement Geo-Fencing and Screening Systems Thoughtfully

Deploy geo-fencing technology and advanced package screening tools, to monitor and manage healthcare-related shipments in alignment with applicable laws. Companies should tailor these systems to support compliance without creating policies that flag or restrict shipment solely based on content, origin, or destination, which could raise privacy concerns.



.....INFLUENCE.....

Advance Cross-Sector Standards for Ethical Freight and Infrastructure Siting

Engage with industry associations, transportation regulators, and permitting agencies to co-develop cross-sector frameworks that incorporate healthcare access as a factor in industrial development, freight route planning, and infrastructure investment.

Partner with Local Communities to Strengthen Workforce Pipelines

Build on existing community engagement practices to co-design employment pathways that address both health access and long-term talent development.



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