

# H.B. 136 ABORTION AMENDMENTS (updated 2.20.19)

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H.B. 136, sponsored by Rep. Cheryl Acton (R-West Jordan), would prohibit an abortion after the fetus reaches 18 weeks gestation, except in the case of rape, incest, lethal fetal anomaly, severe brain abnormality, or risk of death or serious harm to the woman or pregnant person.

H.B. 136 is another attack on women's rights, and is part of the national movement to restrict access to safe and legal abortion. Our legislature should focus on improving women's health and rights in Utah, not take them away. Every person deserves the right to control their own bodies—that includes the right to decide whether and when to become a parent.

The abortion ban in H.B. 136 is blatantly unconstitutional. Time and again, the courts have struck down other pre-viability abortion bans.

## Myths & Facts

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**Sponsor says:** *This bill is about protecting women's health.*

**FACT:** This bill is not about improving women's health, but rather aims to eliminate access to abortion as part of a larger anti-reproductive freedom strategy. Second trimester abortion is very safe with a low risk of complications.<sup>1</sup>

**Sponsor says:** *We are failing women. Women aren't being given all the information.*

**FACT:** Abortion providers, including those at Planned Parenthood, base their medical care, including obtaining consent for all procedures, on the expert recommendations of the Centers for Disease Control and Prevention and the American College of Obstetricians and Gynecologists. Providers do not rely on the state-mandated "informed consent" script written by the Utah Legislature, in consultation with anti-abortion groups, when providing health care.

**Sponsor says:** *Women should just get an abortion in the 1st trimester.*

**FACT:** If the Utah Legislature would like to decrease the number of abortions after 18 weeks then they should improve access to abortion earlier in pregnancy and remove the **18 barriers** that they have enacted over the last decade.

**Sponsor says:** *There is a chance that there won't be a legal challenge.*

**FACT:** There is no question that the bill will end in a lawsuit. Planned Parenthood Association of Utah will not allow an unconstitutional restriction on a woman's right to safe and legal abortion to go unchallenged. The Utah Attorney General's Office has indicated that \$2 million is a conservative estimate of what it would cost the State to defend H.B. 136.

**Sponsor says:** *The Utah court system may find H.B. 136 constitutional because the sponsor left the exception for rape and incest in place.*

**FACT:** Time and time again, courts have held that a state cannot ban abortion before viability. This is true whether the ban is due to the woman's reason for abortion, or whether the ban is based on a fetus's gestational age. Exceptions—such as for pregnancies that resulted from rape or incest—do not save these bills.

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<sup>1</sup> Daniel Grossman, Kelly Blanchard, & Paul Blumenthal, Complications after Second Trimester Surgical and Medical Abortion, 16 Reproductive Health Matters 173, 178 (2008). Additionally, the National Academies of Science, Engineering, and Medicine recently published a major report on abortion safety, in which they concluded that D&E abortion is safe, with minimal rates of complications, as low as .05 percent. NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MEDICINE, THE SAFETY AND QUALITY OF ABORTION CARE IN THE UNITED STATES 63 (2018), <https://doi.org/10.17226/24950>.