

# H.B. 166 Down Syndrome Nondiscrimination Abortion Act

**Framework:** Rep. Lisonbee (R-Clearfield) brought her unpopular abortion ban back from last session, this time with a “contingency clause” or trigger language that permits the abortion ban to go into effect only after a binding court decides that the state can ban abortion as outlined in the bill. If a court in the future were to endorse the abortion ban, H.B. 166 would make it a crime for a physician to perform an abortion if they know that the woman is seeking an abortion because their unborn child has or may have Down syndrome.

The contingency clause makes H.B. 166 a message bill. The piece that will change, if the bill is passed, is that women will receive additional state-mandated information during the “informed consent” session – a script clearly intended to shame women—that Utah lawmakers require of women before they can access abortion. Make no mistake, H.B. 166 is part of the national movement to restrict access to safe and legal abortion.

Instead of playing a divisive political game with personal decisions of Utah families, the bill sponsors should instead work to ensure all Utahns have equal access, and appropriate accommodations, to the services they need.

## Talking Points

- “Trigger” laws are legal anomalies that are unparalleled in any other area of constitutional law apart from reproductive rights. Because they cannot take immediate effect, and in fact may *never* take effect, they distort the political process that should characterize democratic lawmaking.
- H.B. 166 is about restricting access to abortion, not protecting those with Down syndrome. The decision to terminate a pregnancy is a deeply personal and sometimes complex decision that must be left to a woman, in consultation with her family, her faith, and her health care provider.
- Many parents find that having a child with Down syndrome is the right decision for them, but this does not mean that their experience should lead to a law that forces other families into the same situation.
- The abortion ban in H.B. 166 is unconstitutional. Last year, the legislature’s own attorneys determined that such a ban has a high probability of being declared unconstitutional by the courts.
- A woman must be able to make her own decisions with the advice of the health care professional she trusts - without interference from the government.

## TIPS FOR CONTACTING YOUR REPRESENTATIVES

### Quantity of contact counts.

Your message doesn’t have to be perfect, Reps just need to hear from you! Short and sweet is ok!

### Personalize your message.

Briefly share the way that this piece of legislation negatively impacts you, or those you know and love.

### Be courteous & professional.

Try to find common ground, even if the legislator does not share your point of view. *Only write what you would be comfortable with a Legislator sharing publicly.* They do read emails out loud in committee sometimes!

### Make a direct ask.

Please vote no on H.B. 166.