

**PROHIBITION OF PUBLIC FUNDING FOR
ABORTION**

2004 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill modifies the offenses against the family section of the Utah Criminal Code.

Highlighted Provisions:

This bill:

- ▶ prohibits the state and political subdivisions from using public funds for the performance of an abortion; and
- ▶ provides a penalty for anyone who knowingly authorizes the use of public funds for an abortion.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-7-324, as last amended by Chapter 50, Laws of Utah 1988

ENACTS:

76-7-326, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-7-324** is amended to read:

76-7-324. Violation of restrictions on public funds for contraceptive or abortion services as misdemeanor.

Any agent of a state agency or political subdivision, acting alone or in concert with others, who violates Section 76-7-322 [~~or~~], 76-7-323, or 76-7-326 is guilty of a class B misdemeanor.

Section 2. Section **76-7-326** is enacted to read:

76-7-326. Public funding of abortion forbidden.

(1) As used in this section, "damage to a major bodily function" refers only to injury or impairment of a physical nature and may not be interpreted to mean mental, psychological, or emotional harm, illness, or distress.

(2) Public funds of the state, its institutions, or its political subdivisions may not be used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility for the performance of any induced abortion services unless:

(a) in the professional judgment of the pregnant woman's attending physician, the abortion is necessary to save the pregnant woman's life;

(b) the pregnancy is the result of rape or incest reported to law enforcement agencies, unless the woman was unable to report the crime for physical reasons or fear of retaliation; or

(c) in the professional judgment of the pregnant woman's attending physician, the abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily function of the pregnant woman provided that a caesarian procedure or other medical procedure that could also save the life of the child is not a viable option.

(3) Any officer or employee of the state who knowingly authorizes the use of funds prohibited by this section shall be dismissed from that person's office or position and the person's employment shall be immediately terminated.