

Representative J. Morgan Philpot proposes the following substitute bill:

**PROHIBITION OF PUBLIC FUNDING FOR
ABORTION**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

6	Gregory S. Bell	Thomas V. Hatch	L. Alma Mansell
7	Leonard M. Blackham	Parley G. Hellewell	Howard A. Stephenson
8	Curtis S. Bramble	John W. Hickman	David L. Thomas
9	D. Chris Buttars	Lyle W. Hillyard	John L. Valentine
10	Dan R. Eastman	Scott K. Jenkins	Michael G. Waddoups
11	Beverly Ann Evans	Sheldon L. Killpack	Carlene M. Walker
12	James M. Evans	Peter C. Knudson	Bill Wright
13	David L. Gladwell		

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



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **76-7-324**, as last amended by Chapter 50, Laws of Utah 1988

31 ENACTS:

32 **76-7-326**, Utah Code Annotated 1953



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

35 Section 11. Section **76-7-324** is amended to read:

36 **76-7-324. Violation of restrictions on public funds for contraceptive or abortion**
37 **services as misdemeanor.**

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

41 Section 22. Section **76-7-326** is enacted to read:

42 **76-7-326. Public funding of abortion forbidden.**

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

46 (2) Public funds of the state, its institutions, or its political subdivisions may not be
47 used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility:

48 (a) for the performance of any induced abortion services unless:

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

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

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

57 (b) that promotes abortion except in the cases defined under Subsection (2)(a). This in
58 no way restricts individuals from expressing their opinions on abortion or for financially

59 promoting activities or beliefs through solely private means.

60 (3) Any officer or employee of the state who knowingly authorizes the use of funds

61 prohibited by this section shall be dismissed from that person's office or position and the

62 person's employment shall be immediately terminated.