

Representative Stephen H. Urquhart proposes the following substitute bill:

ABORTION LAW REVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Curtis S. Bramble

Cosponsors: Glenn A. Donnelson Kerry W. Gibson

LONG TITLE

General Description:

This bill provides for an immediate revision of the portion of the Utah Criminal Code relating to abortion if Roe v. Wade is overturned.

Highlighted Provisions:

This bill:

- ▶ provides that, if Roe v. Wade is overturned, the provisions of this bill will immediately be in effect and will supercede conflicting provisions of the Utah Code;
- ▶ provides that, if Roe v. Wade is overturned, no person may perform an abortion, unless:
 - it is necessary in order to avert a woman's death or to avert a serious risk to a woman of substantial and irreversible impairment of a major bodily function; or
 - the woman is pregnant as the result of incest or rape that is reported to law enforcement before the abortion is performed;
- ▶ addresses the confidentiality of the name of a victim of incest or rape;
- ▶ provides a severability clause; and
- ▶ includes legislative intent for the appropriations made in this bill.



26 **Monies Appropriated in this Bill:**

- 27 This bill appropriates:
- 28 ▶ as a one time appropriation, \$173,000; and
 - 29 ▶ as ongoing appropriations, \$2,640,600.

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **76-7-302.2**, Utah Code Annotated 1953

35

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

37 Section 1. Section **76-7-302.2** is enacted to read:

38 **76-7-302.2. Circumstances under which abortion authorized if Roe v. Wade is**
39 **overturned.**

40 (1) This section shall not be in effect until Roe v. Wade, 410 U.S. 113 (1973) is
41 overturned by the United States Supreme Court, or by an amendment to the United States
42 Constitution.

43 (2) If Roe v. Wade, 410 U.S. 113 (1973) is overturned by the United States Supreme
44 Court, or by an amendment to the United States Constitution, this section, and the provisions of
45 this section, shall:

46 (a) immediately be in effect; and

47 (b) supercede any provision of this part, or any other provision of the Utah Code, that
48 is in conflict with this section or the provisions of this section.

49 (3) Subject to Subsection (1), no person may perform an abortion unless:

50 (a) a medical condition exists that, on the basis of the attending physician's good faith
51 clinical judgment, so complicates the medical condition of a woman as to necessitate the
52 abortion of her pregnancy to avert:

53 (i) the woman's death; or

54 (ii) a serious risk of substantial and irreversible impairment of a major bodily function
55 of the woman; or

56 (b) (i) the woman upon whom the abortion is performed is pregnant as a result of:

- 57 (A) incest, as defined in Subsection 76-5-406(10) or Section 76-7-102;
58 (B) rape, as defined in Section 76-5-402; or
59 (C) rape of a child, as defined in Section 76-5-402.1; and
60 (ii) the incident described in Subsection (3)(b)(i) is reported to a law enforcement
61 agency before the abortion is performed.
- 62 (4) The name of a victim of an incident reported to law enforcement under Subsection
63 (3)(b) is confidential and may not be disclosed by law enforcement or any other person, unless
64 the disclosure:
- 65 (a) is approved by the victim;
66 (b) is permitted or required under Section 76-7-304 or 76-7-304.5; or
67 (c) is required by law or court order.
- 68 (5) If any one or more provision, subsection, sentence, clause, phrase, or word of this
69 section or the application thereof to any person or circumstance is found to be unconstitutional,
70 the same is hereby declared to be severable and the balance of this section shall remain
71 effective notwithstanding such unconstitutionality. The Legislature hereby declares that it
72 would have passed this section, and each provision, subsection, sentence, clause, phrase, or
73 word thereof, irrespective of the fact that any one or more provision, subsection, sentence,
74 clause, phrase, or word be declared unconstitutional.

75 **Section 2. One time appropriation for Early Intervention Services -- Ongoing**
76 **appropriations for Early Intervention Services and Utah Birth Defect Network --**
77 **Legislative intent.**

- 78 (1) As a one time appropriation, there is appropriated for the fiscal year 2006-07,
79 \$173,000 from the General Fund to the Department of Health, Children with Special Health
80 Care Needs, for Early Intervention Services.
- 81 (2) As on ongoing appropriation, subject to future budget constraints, there is
82 appropriated for the fiscal year 2007-08, \$360,000 from the General Fund to the Department of
83 Health, Children with Special Health Care Needs, for Early Intervention Services.
- 84 (3) As on ongoing appropriation, subject to future budget constraints, there is
85 appropriated for the fiscal year 2007-08, \$2,280,600 from the General Fund to the Department
86 of Health, Community and Family Health Services, for the Utah Birth Defect Network.
- 87 (4) It is the intent of the Legislature that the appropriations described in Subsections (1)

88 and (2) will assist families who have children with special needs, thereby encouraging pregnant
89 women to not seek an abortion to avoid the birth of a child who has birth defects.

90 (5) It is the intent of the Legislature that the appropriation described in Subsection (3)
91 will reduce the incidence of birth defects, thereby reducing the number of abortions of unborn
92 children that are performed to avoid the birth of a child with birth defects.

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Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will appropriate \$173,000 in one-time supplemental General Fund revenues in FY 2007 to the Department of Health for early intervention services. The bill will also appropriate \$2,640,600 in ongoing General Fund revenues beginning in FY 2008 to the Department of Health, which includes \$360,000 for early intervention services and \$2,280,600 for the Utah Birth Defect Network.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$2,640,600	\$2,640,600	\$0	\$0	\$0
General Fund, One-Time	\$173,000	\$0	\$0	\$0	\$0	\$0
Total	\$173,000	\$2,640,600	\$2,640,600	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill will provide additional services to children indentified by programs outlined in the bill. Private providers of these services will likely see an increased demand for services.