

Bill banning abortions after 18 weeks passing Utah Legislature

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SALT LAKE CITY — A bill banning abortions after 18 weeks received final approval Wednesday night from the Utah Legislature and now goes to Gov. Gary Herbert for his action.

Herbert, who has called himself a "pro-life guy," said last month he would review the bill before determining whether to sign it but noted that scientific advancements may warrant another look at abortion laws.

HB136, sponsored by Rep. Cheryl Acton, R-Salt Lake City, originally set the limit for legal abortions at 15 weeks gestation but was revised in the House. Currently, abortions are allowed up to 22 weeks into a pregnancy.

The bill's Senate sponsor, Sen. Deidre Henderson, R-Spanish Fork, said she doesn't believe it does anything "to severely restrict a woman's right to choose" but instead "sends a message that we in Utah value life."

Sen. Gene Davis, D-Salt Lake, who, along with the other five Democrats in the Senate were the only opponents of the bill that passed 23-6, said it was an attempt to deny women rights he expects would withstand a court challenge.

"I find that demeaning to women and I find that wrong," Davis said. He said the state has lost past legal battles over limiting abortion access and that "it's a waste of time to do that every year."

But Sen. Lyle Hillyard, R-Logan, said the outcome may be different with changes made to the makeup of the courts. "If we win, we don't pay attorney fees," he said.

Women "do have a certain right to a certain point. The question gets to be, is 18 weeks past that point," Hillyard said, but focusing on a woman's right to choose "seems to ignore the fact there's a child involved, a child that may not be born yet."

The bill was added Wednesday evening to the Senate's list of bills to be voted on, after the House had adjourned. The 45-day legislative session ends Thursday at midnight.

Following the vote, the American Civil Liberties Union Foundation of Utah issued a statement saying a lawsuit is "inevitable" if the bill is signed into law.

"The U.S. Supreme Court has consistently held for over 40 years that states may not ban abortion prior to viability. The court has also made clear that states are prohibited from drawing a line at a particular number of weeks to establish fetal viability. When the Utah Legislature passed a law in the early 1990s to ban abortions after 20 weeks, the 10th Circuit Court of Appeals ruled it was unconstitutional. This means legal challenges to HB136 have direct case law, on point, within our circuit, that pre-viability abortion restrictions are unconstitutional," ACLU Utah said in the statement Wednesday.