

'It will cost the state millions': Lawsuit awaits Utah Legislature's 18-week abortion ban

KUTV

<https://kutv.com/news/local/it-will-cost-the-state-millions-lawsuit-awaits-utah-legislatures-18-week-abortion-ban>

by Jeremy Harris

Wednesday, March 13th 2019



SALT LAKE CITY (KUTV) — Even before being signed into law, a bill to enact a ban on abortions past 18 weeks of pregnancy in Utah faces the threat of legal challenges.

The Utah Senate voted along party lines to pass House Bill 136 late Wednesday night and the bill will now head to the Governor's desk.

"It is unconstitutional, which the legislature knows, and we will file a lawsuit and ask for a temporary restraining order to keep this from going into law," Planned Parenthood Association of Utah vice president of public policy Heather Stringfellow told 2News.

Stringfellow said Planned Parenthood lawyers have already reviewed the text of the bill and are preparing to quickly file a lawsuit.

"It will do nothing to reduce the number of abortions in the state of Utah. It will invite the state into a lawsuit and it will cost the state millions," she said.

The ACLU of Utah released a statement following HB 136's passing indicating legal action to prevent it from being enacted.

"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," a press release issued Tuesday night by the ACLU said.

During debate on the senate floor, HB 136's senate sponsor Sen. Deidre Henderson, R-Utah County, said the bill protects abortion rights while limiting the scope of when the procedure can be performed.

"This bill preserves the woman's right to choose to have an abortion for any reason up until 18 weeks I think it sends a message that we here in the state of Utah, value life," Henderson said. Democrat Senators Derek Kitchen, D-Salt Lake City, and Gene Davis, D-Salt Lake County, spoke against HB 136.

"I believe that women have rights; they have a right to make a choice," Davis said. "We continue to try to deny them that right when the courts have said they have that right to make a choice."

Kitchen said he didn't support the bill, in part, because of the pending legal challenges.

"This is policy that will likely cause a lawsuit down the road and cost taxpayers money," he said. Kitchen also said the legislature did little this session to increase sex education or provide better access to birth control.