

Governor signs 18-week abortion bill into law; opponents vow lawsuit

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SALT LAKE CITY (KUTV) — Utah Governor Gary Herbert signed 119 bills into law on Monday, including House Bill 136, which would ban abortion in Utah [after 18 weeks gestational age](#), with some exceptions.

When the bill was passed earlier this month, [opponents threatened to sue](#), saying the bill would "cost the state millions" in court.

Those who oppose the law have argued it will almost certainly be overturned in the court system.

"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," the ACLU said in a statement to media prior to the bill's passage in the state Senate.

The ACLU and Planned Parenthood Association of Utah re-iterated that sentiment in a statement to media shortly after Herbert's signing of HB 136 was announced.

The two organizations vowed a joint suit against the State of Utah, but did not provide an estimate of when the suit would be filed.

Planned Parenthood has previously stated that the Utah's Attorney General's Office conservatively estimated \$2 million as the price for the state to fight for HB 136 in court.

Advocates say it sends a message that Utah is a pro-life state, regardless of what the cost in court may be.

"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," State Sen. Deirdre Henderson argued on the Senate floor on March 13.

The bill would allow [exceptions to the 18-week ban](#) in the case that doctors determine a fetus is not viable, that giving birth to the child would put a mother at serious risk, and in the case of rape and incest.