

Utah faces an expensive legal battle over abortion ban, again

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SALT LAKE CITY (KUTV) — History is about to repeat itself in Utah.

28 years ago, the Utah legislature passed ban on most abortions after 20 weeks of pregnancy. This week, Utah Governor Gary Herbert signed a bill into law that [bans elective abortions after 18 weeks](#).

Much like the first ban, the fate of Utah's new 18-week ban will [assuredly be determined in federal court](#).

"We shouldn't be on the sidelines on this issue," said Rep. Cheryl Acton, R- West Jordan.

Acton sponsored [House Bill 136](#), which prohibits abortions past 18 weeks with specific exemptions such as danger to the life of the mother, rape, incest, or "fatal fetal defects."



"We shouldn't be on the sidelines on this issue," said Rep. Cheryl Acton, R- West Jordan. (Photo: KUTV)

But the state is in for a formidable fight in court to defend HB 136 because there is already legal precedence that rules against time-specific bans on abortions.

A 1996 federal appeals court ruling struck down a 1991 law banning abortions after 20 weeks in Utah. The case, known as [Liberty v. Bangerter](#), is still used by federal courts to rule on abortion bans.

Just this week, a federal appeals court in North Carolina cited Liberty v. Bangerter in [its ruling](#) that the state's 20-week abortion ban was unconstitutional.

Liberty was a pseudonym for a plaintiff who sued over the 1991 Utah legislation. She was backed by the ACLU and Planned Parenthood Association of Utah.

"We found the 20-week ban at that time just as bothersome as we find the 18-week law now," said Karrie Galloway, CEO of Planned Parenthood Association of Utah.

Galloway was the executive director of PPAU during the Liberty v. Bangerter case.



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"We were surprised at the time that the state would take on that case," she said. Galloway says the new ban in Utah, and similar bills in other states, show are round-about attempts at doing away completely with abortion. "People who do these types of laws want to outlaw abortion, but they're not tackling that head on. This is a particularly, in my view, cynical law because the women and families it affects are some of the most vulnerable," she said.



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Acton admits HB 136 is meant to challenge national abortion law.

"The only way that Roe v. Wade can be challenged is through the states there's got to be some way to return abortion laws to the states," Acton said.

The legal challenge for Utah will happen at the same time as other states, including Arkansas, Kentucky, Tennessee, Oklahoma, and South Carolina which have passed new abortion legislation.

"Utah is actually in the best fiscal position as well as having the nation's highest birth rate," Acton said.

Acton estimates the legal challenges to HB 136 could range from \$1 to \$3 million.

The Utah Attorney General's Office told 2News it did not have an estimate for how much it cost to defend the 1991 Utah abortion ban.



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Galloway says the ban is a distraction that Utah will now have to pay to defend in court just like it did more than 25 year ago.

"I'd like to believe we'd get smarter, but here we are, living it again," Galloway said.