

Utah lawmakers eyeing more restrictions on abortion

1 bill would require doctors to perform ultrasound; another seeks outright ban with few exceptions

Deseret News

By Ashley Imlay

Feb 23, 2020, 5:00pm MST

<https://www.deseret.com/utah/2020/2/23/21147238/utah-bill-require-doctors-ultrasound-abortion-kentucky-plannedparenthood-pro-life>

SALT LAKE CITY — Utah lawmakers may be moving into the heated abortion debate, as a proposed bill would require a doctor or clinician to perform an ultrasound before performing an abortion, or face a hefty fine.

Another bill filed late Friday would ban abortions outright, with a few exceptions.

Neither has been scheduled for a committee hearing.

HB364 would require the medical provider to explain to the woman seeking an abortion what the images produced in the ultrasound are and make the fetal heartbeat audible, if possible. The woman would be able to choose not to look at the images or listen to the heartbeat, according to the bill, as well as ask that the sound of the heartbeat be reduced or turned off.

Bill sponsor Rep. Steve Christiansen, R-West Jordan, said he modeled his bill after one passed in 2017 in Kentucky, and that it's intended to aid in the issue of informed consent by offering women the information they need to make the best decisions for themselves.

While Utah law already requires women to be given an information module telling them about the physical risks of an abortion, Christiansen said the new bill would provide them some of the "most relevant" information about "what's going on inside" them.

"There's nothing more relevant than seeing the baby you're aborting," Christiansen said.

Some pro-choice advocates consider the bill a punishment to women who choose to abort.

"Rep. Christiansen is proposing that Utah doctors force a woman to look away from an ultrasound if she doesn't want to see it and request that audio be turned down or off if she doesn't want to hear it. This is a cruel attempt to take away a woman's agency at an incredibly sensitive time," Lauren Simpson, policy director for Alliance for a Better Utah, said in a statement.

But Christiansen said multiple studies have shown that women who received abortions felt they weren't given all the information, and many came to regret it. Studies also point to the idea that ultrasounds do convince women not to abort, he added.

Too many women considering abortion are told “it’s just a clump of cells,” according to Christiansen.

The bill would require doctors or providers to provide written confirmation to the woman that she has received the ultrasound, as well as keep records of it. If the provider does not perform an ultrasound, he or she would be required to pay a \$100,000 fine the first time and \$250,000 each subsequent instance.

Kentucky’s law was left in place by the U.S. Supreme Court late last year after the American Civil Liberties Union challenged it, claiming it violated physician’s free speech rights by forcing them to explain what’s on the ultrasound, according to the Associated Press.

Christiansen expressed optimism the bill in Utah will get passed during the session, as well as stand against challenges due to the precedent set in Kentucky when the U.S. Supreme Court declined to hear the case.

Simpson says the proposal is unnecessary.

“Under Utah law, a woman already has the option to watch an ultrasound and listen to that cardiac rhythm if she chooses,” she said. “Forcing that experience on someone while permitting her to ‘avert her eyes’ or request for the volume to be lowered or turned off is not a legitimate exception to this mandate. The sole purpose of this bill is to punish women for making the deeply complicated and personal decision to have an abortion.”

Karrie Galloway, president and CEO of Planned Parenthood Association of Utah, called the bill “yet another intrusion by politicians into the personal, medical decisions of Utahns.”

“At Planned Parenthood, we see firsthand how important it is for every person to have accurate information about all their options and the support they need to make a carefully considered decision about a pregnancy. Every day we work to make sure women get that,” Galloway said in a statement.

“It is about harassing and shaming women for choosing abortion and questioning their ability to make decisions that are right for them,” she added. “This bill adds to the long list of unnecessary ways politicians interfere in the doctor-patient relationship.”

Christiansen told the Deseret News the bill isn’t attempting “to force anything.”

“It’s still the woman’s choice. There’s nothing in that bill to take a woman’s choice away,” he said.

The bill also wouldn't be a show of distrust in women's decisions, he said. People can make the best decisions if they have all the information, according to Christiansen, calling that information "empowering."

Deanna Holland, vice president of Pro-Life Utah, agreed the bill would help women have more information before they decide to abort.

"An ultrasound is the final piece of true informed consent that ought to be required before an abortion. Women deserve to fully understand the choice they are making before a permanent, life-ending decision," Holland said in a statement.

"We are not surprised to see Planned Parenthood and their allies speak against this bill, as they have a clear financial interest in abortion. The only reason to oppose this bill is the desire to keep women uninformed about what an abortion does," she said.

Abortion prohibition bill

Another new bill would prohibit abortion except in cases of rape or incest; to prevent the death or "substantial impairment" of the woman if she gives birth; or if the fetus has a lethal birth defect or severe brain abnormality that would cause it to be in a vegetative state.

SB174 would make it a second-degree felony to perform an abortion that doesn't meet one of those criteria.

Bill sponsor Sen. Dan McCay, R-Riverton, said recently the bill would respect the sanctity of life and undo an "evil" that causes 3,000 lost lives a year in Utah due to abortion.

"Every child brings joy, and we know that every soul is divine in the eyes of God," McCay said at the March for Life rally in late January.

The bill, if passed, would only take effect if a court of binding authority, such as the U.S. Supreme Court, has held that a state may prohibit the abortion of an unborn child at any time during the gestational period, other than in the cases of the exemptions.

Better Utah also takes issue with SB174, calling it a move to take away people's agency.

"We are tired of politicians who think they know best trying to force their extreme political ideology onto a deeply personal and sensitive issue. Life is complicated. Reproduction is complicated. Abortion is complicated. And politicians who try and make any of these things black-and-white are showing they either don't understand or don't care about the complex, nuanced experiences of people's lives," Simpson said in a statement.

"All of us share the same goal of strengthening families and respecting people's individual agency on their path to a full, happy life. Like the majority of Utahns, we support a woman's

agency to make this deeply personal decision for herself in consultation with her doctors, her family, and her faith,” she said.