

# Utah Senate votes to ban all elective abortions — if Supreme Court ever allows it

By Lee Davidson

March 2, 2020

The Utah Senate voted Monday to ban elective abortions at all stages of pregnancy in Utah — but only if the U.S. Supreme Court ever reverses its *Roe v. Wade* decision on the matter first. Senators advanced [SB174](#) to the House on a 22-6 party-line vote, after Democrats gave last-ditch arguments against it.

“We are taking away the rights of women,” said Sen. Kathleen Riebe, D-Cottonwood Heights. “We are saying that they are not responsible for their bodies.”

Sen. Luz Escamilla, D-Salt Lake City, argued that women and families are better able to make their own decisions on such matters than legislators.

“Right now, there's probably a family in the hospital making a really tough decision with information that none of us have. It's related to their future, their family, their baby,” she said.

“So we know better? We don't,” she said. “There can't be anything more sad than to think that the government is going to make decisions so personal, so difficult like this one.”

Responding to criticism that the bill interferes with women's choice, the bill's sponsor, Sen. Dan McCay, R-Riverton, R-Riverton, said it protects the right to life for the unborn.

“I think it's the government's role to speak up for those who can't speak for themselves. It is one of our primary duties, and the unborn cannot speak,” he said. “And as a result, it is our obligation to protect it. It's regrettable that the government has to protect the unborn from a parent.”

McCay also encouraged women, before his law may take effect, to consider seriously options besides abortion.

“I would encourage any young person who is trying to make that decision to step back ... to ask themselves, are there other options?” He added, “There are always other options. I would ask that until this bill takes effect that they exercise that choice to benefit life.”

If *Roe v. Wade* is ever overturned, the bill would ban all elective abortions except in the case of rape, incest or when the mother's life is threatened. A rape would have to be reported to the police for the exception to apply under the bill.

McCay said passing the bill now — instead of waiting for the Supreme Court to act first — helps send a message to the court about what Utah and other states are thinking.

“It is important for the Supreme Court, it is important for the rest of the country to see that there are divided opinions about the way this ought to be dealt with.” McCay told reporters after the vote. “I really am hopeful that in the next few years that they [Supreme Court justices] strike it down.”



However, Gov. Gary Herbert said in his monthly press conference last week at PBS Utah that the bill may be premature.

"We could wait until Roe v. Wade is in fact overturned, if in fact it ever is," Herbert said. "It may be kind of a feel-good message bill."

The governor said the bill actually does nothing for now.

"If I sign it, nothing happens. If I don't sign it, nothing happens" he said. "So I'm a little concerned about it."

In earlier debate on the bill last week, the Senate also considered an unusual amendment by Escamilla that would also ban any male ejaculation that occurs outside of a vagina.

Escamilla said Monday that while it was controversial, "my point was that in some of these conversations, we leave one of the key players outside of accountability" — men.

Sen. Dan Thatcher, R-West Valley City, said he didn't see that as appropriate during debate.

"A sperm is not a human life — any more than an egg is — and we're not talking about sperm and we're not talking about eggs," Thatcher said. "We're talking about human life. We are talking about a living being and whatever other problems may exist with this legislation, at the end of the day, how can I say that I believe it is ethical or moral or correct to end a human life."

Under current law in Utah, before a woman may receive an abortion she must complete a 72-hour waiting period and watch an information module that says the state prefers childbirth to abortion.

Lawmakers are also considering legislation this year that would require the burial or cremation of fetal remains and force women to receive an ultrasound before an abortion.