

# REPRODUCTIVE FREEDOM

**Everyone has the right to make informed decisions free from government interference about whether and when to become a parent. This includes the right to safe and legal abortion and access to scientifically accurate information about sexuality, sexually transmitted diseases (STDs), contraception, and preventive health care.**

We know that women have abortions for many reasons. Even if we disagree on the issue of abortion, we can agree that these are private personal decisions we all must be able to make based on our own circumstances, beliefs and values. We should respect and support a woman and her family as they face the life-altering decision of whether to have a child. It is not the government's place to make such a decision for someone else.

We also recognize that one way

to reduce the need for abortion is to provide comprehensive and scientifically accurate information to teens, so that they can make informed decisions about their own health.

In this vein, the ACLU of Utah is working on two pieces of legislation this session, one aimed at abortions and one targeting sex education.

## **HB 12 "Criminal Homicide and Abortion Amendments,"** seeks to

amend the law to create criminal liability for women who obtain non-physician provided abortions. We are particularly concerned about the implications of this bill for women who suffer miscarriages through no fault of their own. The bill was amended to exempt women who engage in "negligent" behavior from criminal liability but would still allow for investigation and prosecution for "knowing" and "reckless" action. For example, should a pregnant woman fail to wear a seatbelt and suffer a car accident, her behavior could be characterized as "reckless" or "knowing" if she suffers a miscarriage. Likewise, women who have substance abuse problems and continue to use drugs during pregnancy would not be shielded from criminal liability. This would result in these women foregoing needed prenatal care out of fear of criminal prosecution.

On a more positive note, we are very supportive of **SB 54, "Health Education Amendments."** Current Utah law forbids public school teachers from advocating on a variety of subjects in the health realm, including the use of contraceptives. Unfortunately, the effect of this law is that Utah teachers are uncertain about what they can and cannot teach and are fearful that lessons could be characterized as "advocating." As a result, many teachers opt to forego the subject altogether, depriving Utah students of needed health information. The new bill clarifies that teachers may discuss the benefits and limitations of contraceptive use and requires that health education materials be medically accurate.

## **THE ACLU OF UTAH'S POSITION:**

### **For HB 12, "Criminal Homicide and Abortion Amendments"**

- HB 12 was introduced by Rep. Carl Wimmer in an attempt to close a so-called "abortion loophole," brought to his attention by the recent unfortunate situation where a 17-year old pregnant girl took intentional steps to terminate her pregnancy.

- HB 12 removes immunity for women who seek to obtain or obtain an unlawful abortion. An unlawful abortion under HB 12 is any and all action that results in the death of a fetus that is not considered a medical procedure done under a physician's care.

- Women who engage in behavior that is perceived as "knowing" or "reckless" and who then suffer a miscarriage are potentially vulnerable to criminal investigation and prosecution. For example, a woman who fails to wear a seatbelt and is in a car accident could be charged with reckless homicide, should she miscarry. Likewise, a pregnant woman

who has a substance abuse problem is likely to forego necessary prenatal care out of fear that she could be prosecuted for "knowing" or "reckless" homicide by continuing to use illegal substances while pregnant.

### **For SB 54, "Health Education Amendments"**

- Unmarried teen births increased by 20 % between 1997 and 2007 in Utah.

- Between 1997 and 2007, Chlamydia rates were up 150%, and Gonorrhea rates were up 122% among Utahns.

- Students should have access to medically accurate health information so that they can make informed decisions to protect their own health

- Teachers should be able to rely on clear and unambiguous laws regarding sex education, so that they can fulfill their duties to students without fear of repercussion.