

Texas law bans abortions after 6 weeks. Will Utah be next and go after Roe v. Wade?

After the Supreme Court refused to block the Lone Star State's law, abortion foes are eager to take the next step while others warn abortion rights are in "grave danger."

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Utah lawmakers have spent years trying to chip away at abortion rights and adding layers of regulation for women trying to access these procedures.

While many abortion opponents in the state have celebrated these legislative victories, they've never lost sight of their larger goal: to ban virtually all pregnancy-ending procedures in the state.

This week, after the Supreme Court declined to intervene, a Texas law took effect that comes close to doing just that — and Utah's abortion opponents and abortion-rights advocates alike are wondering what the development could mean for the battle they've long been fighting.

"This is the loudest alarm yet that the individual right to abortion is in grave danger in Utah and across the country," Katie Matheson, deputy director at Alliance for a Better Utah, said in a statement. "Everyone deserves to make these decisions without political interference as we're seeing take place in Texas."

Mary Taylor of Pro-Life Utah says it's hard to interpret the high court's refusal to block the Texas law but hopes it bodes well for other state-level abortion restrictions that face legal challenges. Lying dormant in Utah, she notes, is a law that would virtually eliminate all elective abortions in Utah if the courts ever overturn Roe v. Wade.

"That is," Taylor said, "ultimately what our goal is, is to see that trigger bill go into effect."

She and other abortion opponents are also eyeing an anticipated Supreme Court ruling on a Mississippi law that prohibits abortions after 15 weeks of pregnancy. A decision to uphold that law would likely have implications for Utah's efforts to enact an 18-week ban, which currently is tied up in court.

In the meantime, Utah lawmakers could consider beefing up the state's laws for "informed consent," or the information that women must review before terminating a pregnancy.

Rep. Steve Christiansen said he plans to file an informed-consent bill largely identical to an unsuccessful one he advanced earlier this year. His legislation would have required women seeking an abortion to watch an online course displaying "medically accurate" images of the procedure and then attest under penalty of perjury that they had viewed the presentation from start to finish.

The proposal also would increase the penalties for providers who violate the informed-consent process, although Christiansen said he still is figuring out how high to raise them. While he hasn't heard any

discussions in the Utah Legislature of trying to replicate the Texas law, the West Jordan Republican said abortion will always be an issue that gets his attention.

“As an elected official ... my No. 1 responsibility is to protect the inalienable rights of my constituents, which includes the unborn,” he said. “And so, for me, that’s one of the primary reasons why I constitutionally, legislatively will always want to protect those rights the very best that I can.”

For her part, Matheson, of Alliance for a Better Utah, a progressive good-government group, said residents are tired of seeing anti-abortion legislation surface year after year.

A recent survey commissioned by Planned Parenthood Association of Utah, Alliance for a Better Utah and the American Civil Liberties Union of Utah found that 70% of respondents initially said they supported loosening the state’s abortion laws or leaving them the same. That number jumped to 80% after respondents were informed of the state’s current restrictions on the procedure.

“Polling shows that the majority of both Utahns and all Americans do not want more abortion restrictions,” Matheson said in her statement. “Yet this new Texas law sets a dangerous legal precedent that could make a path for Utah to override the constitutional rights of Utahns.”

The Texas law, which would bar all abortions after about six weeks of pregnancy, took effect earlier this week, when a deadline passed for the Supreme Court to block it. Under the law, the restrictions would not be enforced by state officials but by private citizens who could sue a doctor or anyone else who aids a woman in getting an abortion.

Taylor, of Pro-Life Utah, called Texas lawmakers “ingenious” for empowering private individuals to seek redress for abortions.

“There are so many people injured when a woman has an abortion. It’s not just the child,” she said. “I only wish Utah would’ve thought of it first.”

Karrie Galloway, CEO and president of Planned Parenthood Association of Utah, counters that the law would essentially call on individuals to turn one another in.

“The nickname we have for it is the ‘sue thy neighbor’ law,” she said, “because that’s what it’s asking you to do.”

Galloway said she is concerned that the Texas example will embolden Utah lawmakers to attempt something similar, but she holds out hope that the Beehive State’s neighborly nature would derail such a measure.

The Supreme Court could still step in and stop the Texas law, even after it has taken hold, Galloway noted, although she conceded the justices’ actions to date are not encouraging. The current attack on *Roe v. Wade* feels different from any she has previously witnessed, she said.

“I used to have more faith in the courts,” Galloway continued. “I used to think that we balanced rights. I don’t have those assurances anymore.”

The Texas ban is among the nation’s most restrictive, with many prior attempts to impose such early-pregnancy prohibitions running up against case law that established fetal viability as the marker for when states can begin limiting abortions.

In the years since the landmark Roe v. Wade decision, the Utah Legislature has considered nearly 100 abortion bills and passed almost half of them, according to a review released last year by the League of Women Voters of Utah. In the past five years alone, the state has adopted more than a dozen new abortion laws.

In 2016, Utah lawmakers approved a bill that required physicians to administer anesthesia when performing an abortion after 20 weeks of pregnancy. Another measure stipulated that before accessing an abortion, women must complete an information module discouraging the procedure, while another governed the disposition of fetal remains.

A bill that would have required women to undergo an ultrasound before terminating a pregnancy nearly cleared the Legislature in 2020 but faltered in the final days of the session after all six of Utah’s female senators — Republican and Democratic — staged a walkout protesting the proposal.

A 2019 law that would ban elective abortions in Utah after 18 weeks of gestation is on pause at the moment as a legal challenge to the measure winds through federal courts. The suit also is currently on hold while the U.S. Supreme Court weighs a similar case involving a Mississippi law that seeks to prohibit most abortions after 15 weeks.