

Committee likely to prevent Senate hearing on bill barring Down syndrome abortions, sponsor says

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SALT LAKE CITY — The Senate Rules Committee is likely to stymie a bill barring doctors from performing abortions when they know the woman seeking it is doing so because of their child's diagnosis or risk of Down syndrome, the measure's sponsor said late Wednesday.



"It's very, very frustrating. It's heartbreaking, knowing what this bill would do if it passed," Rep. Karianne Lisonbee, R-Clearfield, told the Deseret News.

Speaking of the Senate Rules Committee, Lisonbee said "I think ... they're trying to bury it in their process."

"I do not understand why anyone would want to hide it (and) bury it," she said in an interview. "That's apparently what the Senate wants at this point. It's very sad."

HB205 passed the House of Representatives 54-17 in early February, and the Senate Rules Committee promptly assigned it to be heard before the Senate Judiciary, Law Enforcement and Criminal Justice Committee, where it narrowly advanced by a 3-2 vote.

However, legislative records show the bill was moved off the reading calendar and back into the Senate Rules Committee on Wednesday.

HB205 would make it a class A misdemeanor for a health care provider to provide an abortion if they have "knowledge that the pregnant woman is seeking the abortion solely because the

unborn child has been diagnosed with Down syndrome or the pregnant woman believes that the unborn child may have Down syndrome."

The bill states that the provider may be charged in that circumstance, but that the woman receiving that abortion "may not be prosecuted."

Lisonbee and HB205's other supporters have said it is a critical piece of legislation in an effort to protect the unborn with disabilities from discrimination. At a press conference introducing the bill in January, she said she was appalled at "the elimination of an entire group of people (simply for) having a single immutable genetic trait."

"In recent years there has been a shocking increase in abortions performed for no other reason than because a prenatal test identified the potential for a trait a parent didn't like," she said at the time. "For a society that claims to uphold tolerance and inclusiveness, it appears we still have a long way to go."

The measure has received strong criticism from the Planned Parenthood Association of Utah and the American Civil Liberties Union of Utah, which have called it oppressive of women's reproductive rights and clearly unconstitutional.

Marina Lowe, legislative council for the American Civil Liberties Union of Utah, said in January that the bill was "likely to be struck down" and that "potentially this could be challenged immediately" in court.

A note attached to the bill by the state's legislative general counsel cautions that "counsel has determined, based on applicable state and federal constitutional language and current interpretations of that language in state and federal court case law, that this legislation has a high probability of being declared unconstitutional by a court."

But Lisonbee pointed to a change in the most recent version of her bill as a way she has worked to soothe concerns over constitutionality.

The law would only take effect after "a court of binding authority holds that a state may prohibit the abortion of an unborn child" under the circumstances described elsewhere in HB205, according to the changed text.

That iteration of Lisonbee's bill is its third substitute, which had not been formally adopted as the bill's official version as of Wednesday night.

Lisonbee said that despite the grim prognosis, she won't give up fighting for her bill to be considered, right through the last hours of the legislative session.

"It deserves a hearing in the Senate," she said.