

Utah House committee OKs bill to ban abortions after 18 weeks

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SALT LAKE CITY — After hearing personal testimony on both sides of the issue, the House Judiciary Committee voted 7-5 to recommend a bill that would prohibit abortions after 18 weeks.

The bill's sponsor, Rep. Cheryl Acton, R-West Jordan, said HB136 still preserves a woman's right to have an abortion but limits it to the first 18 weeks.

"HB136 changes only one thing, really, about Utah abortion law and that is the window of opportunity for a woman to have an elective abortion. It still preserves her right to choose for 18 weeks," Acton said.

She said the procedure for 95 percent of second trimester abortions is called D&E, or dilation and evacuation, which involves dismemberment of the fetus.

"I just find that interesting that we can't do those things to a dead human being but (to) a pre-birth human being it is done routinely, in our state and elsewhere," Acton said.

She also discussed the risks for the mother in an abortion, which she said escalate the later in the pregnancy an abortion takes place. These include risks to future fertility, mental health issues and suicide.

"My first major concern is the health of women," Acton said.

According to Acton, the bill is different from those in many other states because of exceptions including pregnancy resulting from rape and when the fetus has a lethal defect or severe brain abnormalities.

Dr. Cara Heuser spoke against the bill on behalf of Intermountain Healthcare, the American College of Obstetricians and Gynecologists, and the Society for Maternal Fetal Medicine. She said an ultrasound where doctors would begin to find abnormalities occurs between 18 and 20 weeks of gestation.

"I am a doctor who cares for women with complicated pregnancies. My entire career is based on having healthy moms and babies. Sadly that is not always possible," Heuser said.

She said the requirements for the exceptions in the law are confusing and show a lack of understanding.

"In practice, a unifying diagnosis beyond a few specific abnormalities can be very difficult, despite extensive testing," Heuser said.

Heuser said D&E is sometimes chosen because it can be safer for the mother and controls bleeding, but it is only done during a certain time frame. She estimated vaginal abortion occurs in about 75 percent of cases. She said many times when termination is chosen early labor is performed and the family is given an opportunity to say goodbye to the baby.

"These circumstances are gut-rending for families and their decision process is thoughtful and deep. Their autonomy and their ability to decide what is best for their individual circumstances is one of the only things that makes these unbearable situations a bit more bearable," Heuser said.

Mary Taylor, president of Pro-Life Utah said the emotional anguish after an abortion is very real.

"I had an abortion, I was only 12 weeks along, I shudder to think what I would have gone through had it been a later term abortion. I've spent 40 years coming to terms with that," Taylor said.

Acton said the fiscal note for the bill is zero, but concerns were raised about litigation costs if the bill is questioned in court.

Marina Lowe, legislative counsel with the American Civil Liberties Union of Utah, said courts continue to strike down state laws banning abortion based on elements other than viability, including a Utah law with a 20 week ban in 1996.

"HB136 directly contradicts long-standing precedent holding that a woman should be free from unwarranted governmental intrusion when deciding whether to continue or terminate a pre-viability pregnancy," Lowe said.

House Minority Leader Brian King, D-Salt Lake City, said he was troubled about the arbitrary timeline and the issue with detecting abnormalities before 18 weeks, but that it is a question of constitutional protections.

"I don't think any of us, taking the oath of office that we did to uphold and sustain the United States and the Utah state constitution, can in the name of reflecting Utah values lightly cast a vote that is contrary to what our office of legislative and general counsel said is highly likely to be unconstitutional," King said.

Rep. Eric Hutchings, R-Kearns, said he was in favor of the bill citing the language in the Declaration of Independence which discusses life, liberty and the pursuit of happiness.

"I personally believe that the Founders put these as a very specific order ... we cannot pursue happiness if we don't have liberty, we can't have liberty unless we have life, and today we're talking about life, and so I think we need to protect life and give these unborn babies an opportunity to pursue happiness," Hutchings said.

Acton said New York and Virginia now have the abortion laws they want, but Utah doesn't. She said Utah should be the safest place for women and children as the state with the highest birth rate.

"I believe that we should be able to enact reasonable abortion laws that reflect the wills of the people of Utah," Acton said.

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Acton first introduced a bill which would set the limit at 15 weeks. She said she changed it to 18 weeks because of the scientific material. More doctors were willing to testify to the higher limit. She said there is no connection between viability and 18 weeks, but says a fetal human being at 18 weeks reacts to pain.

"I brought the bill because we, as a society, are failing women. When we have information about the serious, and often irreversible, risks of abortion that we continue to pretend that abortion is a harmless-victimless procedure that empowers and liberates women," Acton said.