

# Herbert Vetoes Special Election Bill, Signs 18-Week Abortion Ban, Tobacco Age Bump, Plus 100 More

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<https://www.kuer.org/post/herbert-vetoes-special-election-bill-signs-18-week-abortion-ban-tobacco-age-bump-plus-100-more>

Gov. Gary Herbert signed into law a controversial ban on abortions performed [after 18 weeks of pregnancy](#) on Monday, joining a handful of red states pushing a host of new abortion restrictions that are likely to be challenged in federal court.

Herbert had previously signaled his willingness to defend the law, telling KUER earlier this month that his “bias is pro-life.” The Planned Parenthood Association of Utah and ACLU tweeted that the law contradicts long-standing court precedent when it comes to fetal viability.

The bill, by Rep. Cheryl Acton, R-West Jordan, was motivated in part by the U.S. Supreme Court’s rightward shift after two appointments by President Donald Trump. Acton said although she expected a legal fight, she believes the law places reasonable restrictions on second trimester abortions by allowing exceptions for rape, incest and the health of the mother.

In total, [Herbert signed another 119 bills](#) on Monday, including the first veto of the year over a bill stipulating rules for filling a vacancy in the U.S. House of Representatives or Senate.

The legislation, S.B. 123, would have allowed only party delegates to select candidates to fill a vacancy for the U.S. House. For a vacant Senate seat, the law would have let state lawmakers choose a candidate instead of the governor. In a letter accompanying the veto, Herbert wrote that the law excluded signature



From the Veto Letter the ACLU of Utah Sent to Gov. Herbert <sup>1</sup>

**“By banning abortions** beginning at 18 weeks—a pre-viability stage of pregnancy—HB 136 directly contradicts longstanding precedent holding that a woman should “be free from unwarranted governmental intrusion” when deciding whether to continue or terminate a pre-viability pregnancy.

The Supreme Court has made it clear that a legislature cannot declare any one element—“be it weeks of gestation or fetal weight or any other single factor—as the determinant” of viability.”

**ACLU**  
AMERICAN CIVIL LIBERTIES UNION  
Utah

**ACLU** of Utah  
@acluutah

Earlier today, @GovHerbert signed #HB136, the unconstitutional 18-week abortion bill. As promised, @ppacutah and @acluutah will sue to protect #utahns right to make their own healthcare decisions - See you in court, #Utah - #utleg #utpol @ACLU @BenWinslow @sltrib @DeseretNews

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gathering candidates and could limit voter participation, noting other “ambiguities” in the way the statute was written.

[Read Herbert’s veto letter here.](#)

It is not yet known whether the Legislature will attempt to override the veto, but the issue is one that has lingered since Gov. Gary Herbert called a special election to fill the vacancy left by former Rep. Jason Chaffetz. The move miffed lawmakers, who wanted a bigger say in determining the time, manner and place of the special election.

After last night’s batch of bill signings, there are roughly 270 pieces of legislation left for Herbert to review before the April 3 deadline.

Among the other [notable bills the governor signed](#):

- A bill raising the age for most tobacco purchases to 21 years old, with an exemption for members of the military and their families.
- A bill that strengthens Utah’s “stand your ground” law by clarifying prosecutors should not consider whether an individual could have retreated from a confrontation before exercising lethal force.
- A series of three bills that would tinker with the rules governing ballot initiatives. The first would delay the effective dates of ballot initiatives until after the Legislature convenes. The second raises the overall number of signatures required for an initiative and prohibits similar initiatives in back-to-back elections. The third creates a publicly available running tally of petition signatures on county clerks’ websites.
- A bill clarifying how public school teachers can discuss contraceptives in sex education courses.
- A bill that allows cities to stiffen their anti-idling ordinances, reducing the number of warnings a motorist has to be given from three to one.