

Bill aiming to ban nearly all abortion in Utah is stricter than LDS Church stance

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It looks as if the upcoming 2020 Legislature will be talking about, and voting on, abortion, once again.

The 2019 Legislature passed a law, now enjoined by the courts, that would have prohibited abortions after 18 weeks, while the U.S. Supreme Court's Roe v. Wade 1973 ruling says no abortions after 20 weeks.

But Sen. Dan McCay, R-Riverton, says he will introduce legislation next year that would severely reduce the option of elective abortions even further.

"Close up the (abortion) shop," as he puts it.

McCay says he hasn't decided if exclusions for rape and incest will even be in his bill. He adds he may, should the bill pass, have provisions that it won't take effect until and unless the high court repeals Roe v. Wade, and gives back to the states the power to legislate on abortion.

Tuesday, he told [UtahPolicy.com](#), "All options are on the table" as far as what his bill will say. He says other states (in legislative action this spring) are "further down" the federal court challenging road than Utah would be early next year.

But if the U.S. Supreme Court should overturn Roe v. Wade, then Utah should be in a position to quickly act to make his bill law (assuming it is stuck in federal court awaiting the high court's ruling on other states' anti-abortion statutes).

"It is time to have this discussion" in this state, said McCay.

In any case, what McCay is considering could be more stringent than the official abortion stance of The Church of Jesus Christ of Latter-day Saints – by far the majority church in Utah and where 80 percent or more of Utah's 104 part-time lawmakers are faithful members.

House Minority Leader Brian King, D-Salt Lake, who used to be a bishop in the LDS Church, says he – unlike some Roe v. Wade defenders – welcomes such a debate in the 2020 Legislature.

That's because, King tells [UtahPolicy.com](#), once Utahns, and maybe even a few unenlightened legislators, learn about the church's "pragmatic" stand on abortion, they will realize that McCay's anti-abortion bill is way out of line with the norms – as reflected by the LDS Church's position – of most Utahns.

Church leaders, in recent years, have taken tough stands on elective abortions, now with a preamble opposing such actions and warning members can be kicked out of the church over getting, paying for, or otherwise advocating abortions.

LDS Church President Russell M. Nelson, when in the Quorum of the Twelve, gave this [condemnation](#) on abortion, entitled: Abortion: An Assault on the Defenseless.

However, in the official stand ([seen here](#)), the older exemptions by church leaders still stand:

"... circumstances may justify an abortion, such as when pregnancy is the result of incest or rape, when the life or health of the mother is judged by competent medical authority to be in serious jeopardy, or

when the fetus is known by competent medical authority to have severe defects that will not allow the baby to survive beyond birth.

“But even these circumstances do not automatically justify an abortion. Those who face such circumstances should consider abortion only after consulting with their local Church leaders and receiving a confirmation through earnest prayer.”

King notes that the church’s stand upholds three basic and important exceptions:

Rape and incest.

Life and health of the mother.

And severe fetal deformity.

McCay says no one should minimize the second paragraph of the church’s stand above: That only after counseling with local church leaders and seeking prayer should a woman proceed with an abortion.

There is no “blanket” approval or exemptions by the church, says McCay, himself a faithful Mormon. Just the opposite, “you need to talk” to church leaders and pray to God, seeking guidance. That’s a high anti-abortion bar, McCay believes.

Saying that stands by the LDS Church do not always mean good public policy or law, King says in this instance it makes sense that Utahns, most of whom are Mormons, would want their abortion policy – while always a hot button issue in Utah – to reflect the “pragmatic, or moderate” stand of LDS Church leaders.

That said, King adds he’s glad the Utah Legislature this year ended before many other states’ legislatures, or you probably would have seen more draconian anti-abortion bills passed here than the 18-week ban bill.

“Dan wants to rile up” the conservative voter base in Utah next year, says King – who has seen this political tactic in election years in Utah before.

Archconservative, one-issue anti-abortion advocates see a potential opening to overturn Roe v. Wade in the high court, says King, and so they are hitting this issue hard now.

King says McCay is just playing politically to archconservatives and “one issue” anti-abortion advocates.

But McCay says he didn’t consider that 2020 is a big election year in deciding to move forward now. He’s doing it in part because outlawing abortion “is ripe today” for consideration – considering the new make-up of the high court.

However, King says most Utahns see the wisdom in the “free agency” allowed under the current law and the policy of LDS Church leaders.

“I’m not uncomfortable” with the church’s abortion stand, said King, who considers himself an advocate of women’s reproductive rights, as well as a faithful church member.

McCay says he disagrees strongly with those who interpret the church’s stand as in any way endorsing elective abortions or making acceptable exemptions for the practice.

As you can tell from some of the key LDS language used in both men’s arguments, and the fact that both know very well the wording of the church’s abortion stand, on this topic what the church has to say about McCay’s bill, or doesn’t have to say on it, could be crucial in the upcoming legislative and public debate.