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S.268

Introduced by Senators Baruth, Ingram, Pearson, and Sirotkin

Referred to Committee on

Date:

Subject: Health; abortion; right to abortion

Statement of purpose of bill as introduced: This bill proposes to recognize
statutorily the right to have an abortion.

An act relating to the right to have an abortion

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. PURPOSE

In the event that Justice Kennedy, Ginsburg, or Breyer is replaced during
the presidency of Donald Trump, it is probable that there would be five votes
to overturn the U.S. Supreme Court decision in *Roe v. Wade*, 410 U.S. 113
(1973), which recognizes the legality of an individual's right to have an
abortion under the Fourteenth amendment to the U.S. Constitution. Some
constitutional scholars have stipulated that such a shift in the composition of
the Court would likely result in *Roe* being overturned. It is the purpose of this
act to ensure that abortion remains a safe and legal procedure in Vermont for
an individual to consider, if and when needed. Establishing a right to abortion
advances the public policy goals of enhancing the health of all Vermont

1 citizens, including women of all ages, and strengthening individuals and
2 families by encouraging and promoting access to comprehensive family
3 planning services.

4 Sec. 2. 18 V.S.A. chapter 56 is added to read:

5 CHAPTER 56. ABORTION

6 § 2401. RIGHT TO ABORTION

7 (a) Notwithstanding any provision of law to the contrary:

8 (1) The right of an individual to terminate her pregnancy shall not be
9 restricted.

10 (2) A health care provider performing or assisting with a legal abortion
11 procedure shall not be subject to any civil, criminal, or administrative liability
12 or penalty.

13 (b) Any law, regulation, or ordinance that purports to restrict the right of an
14 individual to terminate her pregnancy in violation of subsection (a) of this
15 section shall be void.

16 (c) As used in this section, “health care provider” shall have the same
17 meaning as in section 9402 of this title.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on passage.