

1 H.57
2 Introduced by Representatives Pugh of South Burlington, Grad of Moretown,
3 Ancel of Calais, Anthony of Barre City, Bartholomew of
4 Hartland, Beck of St. Johnsbury, Bock of Chester, Briglin of
5 Thetford, Brownell of Pownal, Brumsted of Shelburne, Burke
6 of Brattleboro, Campbell of St. Johnsbury, Carroll of
7 Bennington, Chase of Colchester, Chesnut-Tangerman of
8 Middletown Springs, Christensen of Weathersfield, Christie of
9 Hartford, Cina of Burlington, Coffey of Guilford, Colburn of
10 Burlington, Conlon of Cornwall, Conquest of Newbury,
11 Copeland-Hanzas of Bradford, Cordes of Lincoln, Demrow of
12 Corinth, Dolan of Waitsfield, Donovan of Burlington, Durfee of
13 Shaftsbury, Elder of Starksboro, Emmons of Springfield,
14 Gannon of Wilmington, Gardner of Richmond, Giambatista of
15 Essex, Gonzalez of Winooski, Haas of Rochester, Hashim of
16 Dummerston, Hill of Wolcott, Hooper of Montpelier, Hooper of
17 Randolph, Hooper of Burlington, Houghton of Essex, Howard
18 of Rutland City, James of Manchester, Jerome of Brandon,
19 Jessup of Middlesex, Jickling of Randolph, Johnson of South
20 Hero, Killacky of South Burlington, Kitzmiller of Montpelier,
21 Kornheiser of Brattleboro, Krowinski of Burlington, LaLonde

1 of South Burlington, Lanpher of Vergennes, Lippert of
2 Hinesburg, Long of Newfane, Macaig of Williston, Masland of
3 Thetford, McCarthy of St. Albans City, McCormack of
4 Burlington, McCullough of Williston, Mrowicki of Putney,
5 Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott,
6 Ode of Burlington, O’Sullivan of Burlington, Pajala of
7 Londonderry, Partridge of Windham, Patt of Worcester,
8 Rachelson of Burlington, Ralph of Hartland, Scheu of
9 Middlebury, Sheldon of Middlebury, Sibia of Dover, Squirrell
10 of Underhill, Stevens of Waterbury, Sullivan of Dorset, Sullivan
11 of Burlington, Szott of Barnard, Till of Jericho, Toleno of
12 Brattleboro, Toll of Danville, Townsend of South Burlington,
13 Trieber of Rockingham, Troiano of Stannard, Walz of Barre
14 City, Webb of Shelburne, White of Hartford, and Yacovone of
15 Morristown

16 Referred to Committee on

17 Date:

18 Subject: Health; fundamental rights; reproductive rights

19 Statement of purpose of bill as introduced: This bill proposes to recognize as a
20 fundamental right the freedom of reproductive choice and to prohibit public

1 entities from interfering with or restricting the right of an individual to
2 terminate the individual's pregnancy.

3 An act relating to preserving the right to abortion

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

5 Sec. 1. LEGISLATIVE INTENT

6 The General Assembly intends this act to safeguard the right to abortion in
7 Vermont by ensuring that right is not denied, restricted, or infringed by a
8 governmental entity.

9 Sec. 2. 18 V.S.A. Chapter 223 is added to read:

10 CHAPTER 223: REPRODUCTIVE RIGHTS

11 Subchapter 1. Freedom of Choice Act

12 § 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

13 (a) Every individual has the fundamental right to choose or refuse
14 contraception or sterilization.

15 (b) Every individual who becomes pregnant has the fundamental right to
16 choose to carry a pregnancy to term, give birth to a child, or to have an
17 abortion.

18 (c) A fertilized egg, embryo, or fetus shall not have independent rights
19 under Vermont law.

1 ~~§ 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE~~

2 PROHIBITED

3 (a) A public entity as defined in section 9496 of this title shall not, in the
4 regulation or provision of benefits, facilities, services, or information, deny or
5 interfere with an individual's fundamental rights to choose or refuse
6 contraception or sterilization or to choose to carry a pregnancy to term, to give
7 birth to a child, or to obtain an abortion.

8 (b) No State or local law enforcement shall prosecute any individual for
9 inducing, performing, or attempting to induce or perform the individual's own
10 abortion.

11 Subchapter 2. Prohibitions Relating to Access to Abortion

12 § 9496. DEFINITIONS

13 As used in this subchapter:

14 (1) "Health care provider" means a person, partnership, or corporation,
15 including a health care facility, that is licensed, certified, or otherwise
16 authorized by law to provide professional health care services in this State to
17 an individual during that individual's medical care, treatment, or confinement.

18 (2) "Public entity" means:

19 (A) the Legislative, Executive, or Judicial Branch of State

20 Government, or any agency, department, office, or other subdivision of State

1 ~~government, or any elective or appointive officer or employee within any of~~
2 ~~those branches; or~~

3 ~~(B) any municipality, or any agency, department, office, or other~~
4 ~~subdivision of municipal government, or any elective or appointive officer or~~
5 ~~employee within municipal government.~~

6 § 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

7 A public entity shall not:

8 (1) deprive a consenting individual of the choice of terminating the
9 individual's pregnancy;

10 (2) interfere with or restrict, in the regulation or provision of benefits,
11 facilities, services, or information, the choice of a consenting individual to
12 terminate the individual's pregnancy;

13 (3) prohibit a health care provider, acting within the scope of the health
14 care provider's license, from terminating or assisting in the termination of a
15 patient's pregnancy; or

16 (4) interfere with or restrict, in the regulation or provision of benefits,
17 facilities, services, or information, the choice of a health care provider acting
18 within the scope of the health care provider's license to terminate or assist in
19 the termination of a patient's pregnancy.

20 ~~§ 9498. ENFORCEMENT~~

1 ~~(a) An individual injured as a result of a violation of this chapter shall have~~
2 ~~a private right of action in Superior Court against a public entity for injunctive~~
3 ~~relief arising from the violation.~~

4 (b) In addition to any injunctive relief awarded, the court may award costs
5 and reasonable attorney's fees to an injured person who substantially prevails
6 in an action brought under this section.

7 Sec. 3. EFFECTIVE DATE

8 ~~This act shall take effect on passage.~~

Sec. 1. LEGISLATIVE INTENT

Currently Vermont does not restrict the right to abortion. The General Assembly intends this act to safeguard the existing rights to access reproductive health services in Vermont by ensuring those rights are not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to undermine the supreme legislative power exercised by the Senate and House of Representatives in accordance with Chapter II, Section 2 of the Vermont Constitution or the judicial power vested in Vermont's unified judicial system in accordance with Chapter II, Section 4 of the Vermont Constitution, or to contravene 18 U.S.C. § 1531.

Sec. 2. 18 V.S.A. Chapter 223 is added to read:

CHAPTER 223: REPRODUCTIVE RIGHTS

Subchapter 1. Freedom of Choice Act

§ 9493. PURPOSE AND POLICY

(a) The State of Vermont recognizes the fundamental right of every individual to choose or refuse contraception or sterilization.

(b) The State of Vermont recognizes the fundamental right of every individual who becomes pregnant to choose to carry a pregnancy to term, to give birth to a child, or to have an abortion.

§ 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

(a) A public entity as defined in section 9496 of this title shall not, in the regulation or provision of benefits, facilities, services, or information, deny or interfere with an individual's fundamental rights to choose or refuse contraception or sterilization or to choose to carry a pregnancy to term, to give birth to a child, or to obtain an abortion.

(b) No State or local law enforcement shall prosecute any individual for inducing, performing, or attempting to induce or perform the individual's own abortion.

Subchapter 2. Prohibitions Relating to Access to Abortion

§ 9496. DEFINITIONS

As used in this subchapter:

(1) "Health care provider" means a person, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in this

State to an individual during that individual's medical care, treatment, or confinement.

(2) "Public entity" means:

(A) the Legislative, Executive, or Judicial Branch of State Government, or any agency, department, office, or other subdivision of State government, or any elective or appointive officer or employee within any of those branches; or

(B) any municipality, or any agency, department, office, or other subdivision of municipal government, or any elective or appointive officer or employee within municipal government.

§ 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

A public entity shall not:

(1) deprive a consenting individual of the choice of terminating the individual's pregnancy;

(2) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a consenting individual to terminate the individual's pregnancy;

(3) prohibit a health care provider, acting within the scope of the health care provider's license, from terminating or assisting in the termination of a patient's pregnancy; or

(4) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a health care provider acting within the scope of the health care provider's license to terminate or assist in the termination of a patient's pregnancy.

§ 9498. ENFORCEMENT

(a) An individual injured as a result of a violation of this chapter shall have a private right of action in Superior Court against a public entity for injunctive relief arising from the violation.

(b) In addition to any injunctive relief awarded, the court may award costs and reasonable attorney's fees to an injured person who substantially prevails in an action brought under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.