H.57


Referred to Committee on

Date:

Subject: Health; fundamental rights; reproductive rights

Statement of purpose of bill as introduced: This bill proposes to recognize as a fundamental right the freedom of reproductive choice and to prohibit public
entities from interfering with or restricting the right of an individual to
terminate the individual’s pregnancy.

An act relating to preserving the right to abortion

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

Sec. 1. LEGISLATIVE INTENT

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

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

CHAPTER 223: REPRODUCTIVE RIGHTS

Subchapter 1. Freedom of Choice Act

§ 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

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

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

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

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.

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