

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 57 entitled “An act relating to preserving the right to abortion” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. LEGISLATIVE INTENT

8 The General Assembly intends this act to safeguard the right to abortion in
9 Vermont by ensuring that right is not denied, restricted, or infringed by a
10 governmental entity. Nothing about this act shall be construed to contravene
11 18 U.S.C. § 1531.

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

13 CHAPTER 223: REPRODUCTIVE RIGHTS

14 Subchapter 1. Freedom of Choice Act

15 § 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

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

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

1 § 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

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

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

10 Subchapter 2. Prohibitions Relating to Access to Abortion

11 § 9496. DEFINITIONS

12 As used in this subchapter:

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

17 (2) “Public entity” means:

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

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

4 § 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

5 A public entity shall not:

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

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

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

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

18 § 9498. ENFORCEMENT

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

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

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE