

The main change in the first half of the document is I add the options of life to being protected not just abortion. This chapter is called reproductive rights, so it seems fitting to keep all reproductive rights protected not just abortion.

Sec. 1. LEGISLATIVE INTENT

The General Assembly intends this act to safeguard the right to birth, adoption, and 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.

§ 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 or performing an abortion.

(c) An individual attempting to induce or perform the individual's own abortion shall be taken to a health care facility to ensure their physical and mental health and welfare.

This section c I added not to punish an individual but to ensure the person did not harm themselves and make sure they are mentally fit. If they did something to harm themselves they could pose a risk to themselves or someone else in the future.

Subchapter 2. Prohibitions Relating to Access to Birth, Adoption, and 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, ADOPTION AND BIRTH; RESTRICTING ACCESS PROHIBITED

A public entity shall not:

(1) deprive a consenting individual of the choice of terminating the individual’s pregnancy, keeping the child, or giving the child up for adoption;

(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, keeping the child, or giving the child up for adoption;

(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 giving birth to the child; 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 or giving birth to the child.

§ 9498. PUBLIC HEALTH AND SAFETY EXEMPTION

Public entities may release health studies and information and enforce laws to keep the health and welfare of the public safe, such as health codes and fire codes.

This section I added so the Department of Health and Department of Children and Families could release information and studies. I also wanted to be sure the enforcement of building codes, health codes, fire codes, and the like could not be pushed aside saying

these don't apply because you are a public entity infringing on our rights. These codes are to protect the public.

§ 9499. PATIENT PROTECTION, COUNSELLING, AND NOTIFICATION OF PARENT AND PARTNER

(1) People in state care may receive counseling from state employed counselors, health professionals, foster parents, social workers, and case workers. These individuals may only state the facts pertaining to their choices available and their consequences. They may not give opinions on which is the correct choice.

(2) Information on neutral parties who can provide counseling services shall be made available to anyone requesting. A poster stating this must be prominently placed in the health care or abortion facility.

(3) All individuals who appear under thirty (30) years of age need to present government picture identification to prove their age. If the individual is found to be a minor, their parent, guardian, or foster parent shall be notified and no further discussions may continue until the parent, guardian, or foster parent are involved.

(4) If the individual knows who the partner is, the partner's name shall be given and the partner (and their parent, guardian, or foster parent, if a minor) shall be notified. The partner (and the partner's parent, guardian, or foster parent) shall be entitled to take part in all counselling and decision making, if they choose to do so.

(5) If the partner or the partner's parents, if the partner is a minor, work for a public entity then § 9494 shall not apply for the explicit purpose of discussing and receiving counseling on the future of their child or their child's child.

Here I was addressing a few issues. People in jail or prison and foster children who may need to seek these services but only have the state to go to for assistance. Where can people go for a non-biased counseling? How do you tell if a person is a minor? Parental and partner rights and notification.

§ 9500. LATE TERM ABORTION BAN

No individual may have an abortion after 13 weeks unless the life of the mother or child is at stake.

§ 9501. SPECIAL CIRCUMSTANCES EXEMPTION

If an individual is deemed an unfit parent by the State and keeps having children, the State may request the individual use a reversible form of birth control.

I think these two are self-explanatory. I ask for reversible so if they marry a fit partner or change and become a fit parent and want kids that they may do so.

§ 9502. 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.