

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 Sec. 1. LEGISLATIVE INTENT

8 Currently Vermont does not restrict the right to abortion. The General  
9 Assembly intends this act to safeguard the existing rights to access  
10 reproductive health services Vermont by ensuring those rights are not denied,  
11 restricted, or infringed by a governmental entity. Nothing about this act shall  
12 be construed to contravene 18 U.S.C. § 1531.

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

14 CHAPTER 223: REPRODUCTIVE RIGHTS

15 Subchapter 1. Freedom of Choice Act

16 § 9493. PURPOSE AND POLICY

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

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

1        § 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

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

1        § 9498. ENFORCEMENT

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

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

8        Sec. 3. EFFECTIVE DATE

9            This act shall take effect on passage.

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(Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_  
FOR THE COMMITTEE