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Testimony on H. 57, House Judiciary Committee
February 12, 2019

Madam Chair and committee members, thank you for inviting the ACLU to speak on this important bill. We fully support H. 57 and urge you to pass the bill out of committee.

In my testimony today, I wanted to highlight two particular areas of the bill, but am also happy to answer questions regarding the other legal issues in the legislation.

First, we want to reiterate that this bill does not change anything about current practice here in Vermont. It simply safeguards the right to abortion and codifies what is already legal in the state. Vermont has always followed and applied *Roe*, which recognizes that abortion is included in the fundamental right to privacy. Because *Roe* is under threat, however, as was made clear in Justice Kavanaugh's recent dissent in the stay granted in *June Medical Services v. Gee*,¹ it is imperative that Vermont codify this right in state statute. Again, this bill makes no changes as to what is already legal in the state.

Second, I wanted to express our support for § 9494 (b) of the bill, which forbids state or local law enforcement from prosecuting any individual for "inducing, performing, or attempting to induce or perform the individual's own abortion." Self-induced abortion is an abortion commonly done in the privacy of someone's home, sometimes with the help of a caregiver, family member, or friend, and may include the use of pills, herbs, or other means.² Medication abortion can be up to 98% percent effective in ending a pregnancy up to the 11th week and is considered as safe as a spontaneous miscarriage.³ Even under *Roe*, those who end their own pregnancies through self-managed abortion can be vulnerable to being prosecuted and punished. In other states, people who have ended their pregnancies through self-induced abortion have been arrested and charged under various state statutes. In one of the more notable cases, that of Purvi Patel in Indiana, Ms. Patel was sentenced to 46 years, 20 of which would be served in prison, for self-inducing an abortion with pills. This is not a fringe view: President Trump, during his campaign,

¹ *June Medical Services, L.L.C., et al. v. Rebekah Gee*, 586 U.S. ____ (2019) (Kavanaugh, J., dissenting).

² SIA LEGAL TEAM, *ROE'S UNFINISHED PROMISE: DECRIMINALIZING ABORTION ONCE AND FOR ALL 3* (2018), https://docs.wixstatic.com/ugd/8f83e4_dd27a51ce72e42db8b09eb6aab381358.pdf.



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said there had to be “some form of punishment” for people who had abortions. While Vermont does not have any laws criminalizing self-induced abortion, this provision is yet another way to safeguard Vermonters against future prosecution for performing a legal procedure.

In conclusion, I want to again stress our full support for this bill, which simply creates a legal framework for what is already legal, but not codified, in this state. It preserves the status quo and affirms Vermont’s dedication to liberty and privacy. Thank you again for having me, and I welcome any questions you may have.

³ *Id.*