

Before I begin, I made this short, blunt, and to the point, so I want to apologize up front if I offend anyone. That said, let's get started. In section 9494, I added c. This section is to provide a welfare check for an individual who has performed an abortion to themselves. It is not to harm or punish the individual.

This bill is titled reproductive rights not abortion rights. Therefore, all the options and not just abortion should be protected. In section 9497, I have added wording to do this.

Section 9498 is the safety clause. I can best explain this by illustration. A fire marshal declares an office building as not meeting fire codes and it must be shut down. In it is an abortion clinic which says, "You can't shut us down. You are a municipal agency restricting the right to abortion which is against House Bill 57." This clause would allow public safety exceptions like this and allow the Department of Health to publish studies which may be for or against abortion without being said they are infringing on abortion.

Section 9498 is important for many reasons. The first is addresses people in state care - those in the state mental hospital, prison, foster children, and anyone else. These people have a right to counseling on the issues which means discussing the pros and cons. How can a state employee properly counsel someone without speaking about the negatives of abortion? Some people would call speaking against abortion an infringement. Remember, Brynn Hare said this bill covered restricting or infringing on their reproductive rights. Section one covers this circumstance and allows state workers to state the facts, not opinions, on the issues.

What if someone wants to talk to a non-biased person, where can they go? A poster or some other form of communication on where a person can go to receive this should be available. This is section two.

Section three and four go together. Section three is there to help identify minors the same way as if you want to get sudafed. Section four is to notify the parents if a minor wants an abortion. This is not to allow the parent to dictate the minor's choice but to give them information. What happens if a minor gets sick afterwards and the parents don't know of the abortion? How are they to treat the child's medical needs? This is to inform them so they can properly care for the person who had the abortion. Likewise, they can also attend meetings with the child, if the child wishes, and help make sure both sides of the coin are discussed.

Last in this section but not least, we have partner rights. It takes two people to have a child. The partner should be notified so if they wish to keep or abort the child they can make their feelings known to the other party. Likewise, are they are willing to help with the cost of the procedure?

Section 9500 is a third trimester abortion ban. During a discussion on pregnancy, my wife Rebecca McShane, who is a nurse at Gifford Medical Center, told me that a child is fully developed after 36 full weeks. That said on day one of week 37, you have a baby who can

live outside of the mother. This is a baby you are a trustee to. This is no longer aborting a developing fetus but the murdering of babies.

I was told no one would do a third trimester elective abortion. When I was in Littleton, NH, a woman from Vermont told me they had intentionally miscarried to get back at their husband. Is it a big step for this individual to abort a fully developed child? I say not so let's protect the babies from being played roulette with.

As there is no law on this issue in Vermont, you are making the law and are thus partially responsible for what happens once this bill becomes law. Those abortions will be in part your responsibility. What do you feel comfortable with being the law on abortion?

It does not have to be status quo. Slavery was status quo and it was abolished, marriage was defined man and wife until the legislature changed it, women were unable to vote until the women's suffrage movement. Status quo does not have to be what we do. I say it is time for a change in the status quo again.

Thank you for your time. Questions?

Michael McShane, Braintree, VT handout

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. 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.

If we are talking reproductive rights then all reproductive choices should be protected, not just those for abortion. The changes I made here reflect this view.

§ 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. For example, if a fire marshal has to close down a building that does not meet fire codes and the abortion provider says you can't close them down because you are infringing on access to abortion services. These codes are to protect the public and should outweigh the right to abortion.

§ 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 state care (for example, in jail, prison, the state mental hospital, 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. Parents have the legal responsibility to care for the child's well being and should be notified if a child is seeking abortion so that when the child goes to services they get all the information both for and against. This is not to allow to make the decision but to help them guide the child. In addition, what if the partner doesn't know? Would the outcome be different if they did? What if the woman wants an abortion and the man says if you have the child I will care for them? They can also help with the financial end, if needed.

§ 9500. LATE TERM ABORTION BAN

No individual may have an abortion after 26 weeks unless the health or life of the mother or child is at stake.

Here, I would like to elaborate with some information. My wife is a registered nurse at Gifford Medical Center where she works currently at Menig and before that at Howe Pavilion. She told me that a child is fully developed after 36 full weeks. Pregnancy lasts for forty weeks, give or take according to when the birth occurs. That means for the last four weeks or so, there is a child who can live independently outside the mother's body. This is no longer a fetus but a living person. So you are no longer aborting a fetus at the stage but killing a human being.

I also met someone from Vermont while I lived in Littleton, NH. This person said they intentionally caused a miscarriage to get back at their partner. That said, when does the right of the child outweigh the right to abort? Do we want to allow people to turn lives into bargaining chips? I say no. This is the point where I protect the right of the child above that of abortion.

§ 9501. EFFECTIVE DATE

This bill becomes effective upon passage.