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H.57

Introduced by Representatives Pugh of South Burlington, Grad of Moretown,
Ancel of Calais, Anthony of Barre City, Bartholomew of
Hartland, Beck of St. Johnsbury, Bock of Chester, Briglin of
Thetford, Brownell of Pownal, Brumsted of Shelburne, Burke
of Brattleboro, Campbell of St. Johnsbury, Carroll of
Bennington, Chase of Colchester, Chesnut-Tangerman of
Middletown Springs, Christensen of Weathersfield, Christie of
Hartford, Cina of Burlington, Coffey of Guilford, Colburn of
Burlington, Conlon of Cornwall, Conquest of Newbury,
Copeland-Hanzas of Bradford, Cordes of Lincoln, Demrow of
Corinth, Dolan of Waitsfield, Donovan of Burlington, Durfee of
Shaftsbury, Elder of Starksboro, Emmons of Springfield,
Gannon of Wilmington, Gardner of Richmond, Giambatista of
Essex, Gonzalez of Winooski, Haas of Rochester, Hashim of
Dummerston, Hill of Wolcott, Hooper of Montpelier, Hooper of
Randolph, Hooper of Burlington, Houghton of Essex, Howard
of Rutland City, James of Manchester, Jerome of Brandon,
Jessup of Middlesex, Jickling of Randolph, Johnson of South
Hero, Killacky of South Burlington, Kitzmiller of Montpelier,
Kornheiser of Brattleboro, Krowinski of Burlington, LaLonde

1 of South Burlington, Lanpher of Vergennes, Lippert of
2 Hinesburg, Long of Newfane, Macaig of Williston, Masland of
3 Thetford, McCarthy of St. Albans City, McCormack of
4 Burlington, McCullough of Williston, Mrowicki of Putney,
5 Myers of Essex, Nicoll of Ludlow, Notte of Rutland City,
6 Noyes of Wolcott, Ode of Burlington, O'Sullivan of Burlington,
7 Pajala of Londonderry, Partridge of Windham, Patt of
8 Worcester, Rachelson of Burlington, Ralph of Hartland, Scheu
9 of Middlebury, Seymour of Sutton, Sheldon of Middlebury,
10 Sibia of Dover, Smith of Derby, Squirrell of Underhill,
11 Stevens of Waterbury, Sullivan of Dorset, Szott of Barnard, Till
12 of Jericho, Toleno of Brattleboro, Toll of Danville, Townsend
13 of South Burlington, Trieber of Rockingham, Troiano of
14 Stannard, Walz of Barre City, Webb of Shelburne, White of
15 Hartford, and Yacovone of Morristown

16 Referred to Committee on

17 Date:

18 Subject: Health; fundamental rights; reproductive rights

19 Statement of purpose of bill as introduced: This bill proposes to recognize as a
20 fundamental right the freedom of reproductive choice and to prohibit public

1 entities from interfering with or restricting the right of an individual to
2 terminate the individual's pregnancy.

3 An act relating to preserving the right to abortion

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. LEGISLATIVE INTENT

6 The General Assembly intends this act to safeguard the right to abortion in
7 Vermont by ensuring that right is not denied, restricted, or infringed by a
8 governmental entity.

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

10 CHAPTER 223: REPRODUCTIVE RIGHTS

11 Subchapter 1. Freedom of Choice Act

12 § 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

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

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

18 (c) A fertilized egg, embryo, or fetus shall not have independent rights
19 under Vermont law.

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.