

HB 382 - Abortion Modifications

Sponsor: Rep. Kera Birkeland

This bill would:

- **Make changes to the online educational module that patients must view before they can schedule an abortion to include video images of fetal development, audio of fetal heartbeats, and photos and descriptions of abortion procedures.**
- **Require patients to sign a certificate *under penalty of perjury* in the presence of a witness from the health center that they viewed the entire online module**
- **Require all patients completing the informed consent counseling sessions to make two trips to a health center at least 72 hours apart.**
- **Require reporting of abortion procedure complications including by type, clinic location, and whether the complication occurred at the clinic or in another location**
- **\$50,000 fine for any physician who violates this statute**

Talking Points:

- **Let's be clear: this bill would do nothing to help or better inform patients seeking abortion and is a waste of the Legislature's time and taxpayer money. It seeks to shame and stigmatize Utahns by trying to force abortion patients to change their minds. The requirements of this bill have nothing to do with good medical practice or ensuring safe access to health care. They are solely aimed at creating barriers to abortion care.**
 - Abortion is one of the safest medical procedures performed in the United States. [Data](#) shows that abortion has over a 99 percent safety record.
 - These medically unnecessary restrictions won't make patients safer. Instead, it will hurt our communities by pushing abortion out of reach for many in our state.
 - **Utahns do not want more abortion restrictions. According to 2020 polling, 80% of Utahns agree that there should be no further restrictions on abortion access in Utah.**
 - Forcing patients to travel long distances and delaying their care increases the risks to patients, because pregnancy risks increase with gestational age. Every day a person is forced to be pregnant against their will is harmful to their dignity, autonomy, and wellbeing.
 - Like any abortion restriction, this will disproportionately impact people of color and people with low incomes, who already face significant burdens in accessing health care, including reproductive health care, in our state.
 - With the U.S. Supreme Court ready to hand down an important decision on abortion in June, the Utah Legislature does not need to waste their limited time to pass yet another bill full of unnecessary restrictions.
- **HB 382 is nearly identical to a 2021 bill proposed by Rep. Christiansen, who has since resigned from the Legislature. That bill was so deeply unpopular, it never made it out of the Rules Committee. Rep. Birkeland's bill is just as extreme and would only add more layers of needless restrictions that make obtaining an abortion more difficult to navigate for patients and health care providers.**
 - No other health care procedure requires a state-mandated "informed consent" process as time-consuming and extreme as abortion.

- By requiring women to make two trips to an abortion provider, this bill would make the informed consent process much more onerous, expensive, and time consuming for patients seeking abortion.
 - Utah law already requires that patients undergo a lengthy “informed consent” process, and that patients wait 72 hours after receiving state-mandated information before receiving an abortion.
 - By making the informed consent process more complicated and difficult, HB 382 will further delay patients’ access to necessary care and, for some people, result in a complete denial of care.
 - Some patients will have to travel hundreds of miles roundtrip, **twice**, in order to fulfill the consent requirements and access care.
 - HB 382 would disproportionately impact women who live in rural areas of our state and families who are economically disadvantaged. Women with low-incomes are generally the most affected by abortion restrictions because they often face the most challenges: taking time off from work, finding child care, and paying for travel.
 - Likewise, women who live in rural areas, those who do not have access to transportation or those who already have families to take care of may find it particularly difficult to make two trips to a clinic, which may be hours from their home.
 - This bill makes no exceptions for women who are victims of rape or incest, and will be especially harmful for women who experience domestic violence. Victims are often most vulnerable during a pregnancy. Having to find time, money, and a method of traveling to a health clinic twice in the course of a matter of days can put women who are fearful of disclosing their pregnancy status to their partners or abusers at especially severe risk.
 - In 2016, in *Whole Woman’s Health v. Hellerstedt*, the Supreme Court recognized that travel, and the burdens that come along with it, can create insurmountable hurdles for patients seeking abortion care.
- **Patients should have access to comprehensive, accurate, and compassionate medical care. They should not be shamed and stigmatized for their health care choices.**
 - HB 382 would subject women to stigmatizing, state-mandated messaging that is misleading and, for most patients, irrelevant to their health care needs and the care they are seeking.
- **HB 382 represents further intrusion by politicians into patient care. This intrusion interferes with and undermines the doctor-patient relationship.**
 - Doctors know better than politicians what’s right for their patients - and these decisions should be made according to their advice and expertise, not a politician’s ideological agenda.
 - In addition to creating additional burdens for providers and forcing Utahns to navigate even more hurdles before getting necessary abortion care, **by requiring each patient who views the online module to have a unique identifying code and allowing state officials to comb through patient records, this bill puts patient privacy at risk.**
- **When politicians attack health care, they disproportionately impact people of color, women, the LGBTQ community, and people with disabilities who already experience the most systemic barriers to care. We must work to ensure access to health care does not depend on who you are, where you live, or how much money you make.**

- **If these politicians truly valued life, they would work to ensure that all Utahns have their basic needs met, like access to health care, housing security, and a living wage.** The proponents of this bill are going out of their way to put policies into place that will hurt the most marginalized in our state. Restricting abortion only makes a bad public health situation worse and puts pregnant people's lives in jeopardy.
- **At Planned Parenthood, the health and safety of our patients, staff, and community is our top priority. Unlike some politicians in the capitol, we're focused on protecting their rights and freedoms to access health care when and where they choose.**
 - Planned Parenthood's doors remain open. Planned Parenthood will continue doing everything it can to ensure patients can continue to access abortion, no matter what.