

1 S.315

2 Introduced by Senators Ashe, Bray, Fox, Lyons, McCormack, and Zuckerman

3 Referred to Committee on

4 Date:

5 Subject: Health; abortion; right to abortion

6 Statement of purpose of bill as introduced: This bill proposes to repeal the

7 Vermont statutes that criminalize: (1) assisting in the performance of an

8 abortion; and (2) advertising about the provision of abortion services.

9 An act relating to decriminalizing the performance of abortions in Vermont
10 and recognizing the right to have an abortion

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

12 Sec. 1. FINDINGS

13 The Vermont General Assembly finds:

14 (1) On January 22, 1973, the U.S. Supreme Court decision in *Roe v.*

15 *Wade*, 410 U.S. 113 (1973), established that the U.S. Constitution's guarantee

16 of liberty protects a woman's decision to have an abortion and limits

17 government involvement with private medical decisions.

18 (2) As the State of Vermont implements major health care reform, it

19 should be a public policy goal to enhance the health of all citizens, including

20 women of all ages, and to strengthen individuals and families by encouraging

1 and promoting access to comprehensive reproductive health services, to
2 prenatal support services that help ensure that planned pregnancies remain
3 healthy throughout their entire term, and to safe and legal abortion.

4 (3) Abortion is a deeply personal and often complex decision for a
5 woman, and therefore decisions about whether to choose adoption, end a
6 pregnancy, or raise a child must be left to a woman, her family, and her faith,
7 with the counsel of her health care provider.

8 (4) Violence against providers of reproductive health care services and
9 restrictions on access to abortion endanger the health and lives of women.

10 (5) The General Assembly's repeal of the dated and restrictive
11 13 V.S.A. chapter 3 would remove the statutory prohibition on abortion
12 procedures in Vermont and serve as an important legislative action in support
13 of a woman's reproductive rights as well as help a health care provider to
14 perform an abortion without fear of criminal liability.

15 Sec. 2. 13 V.S.A. chapter 3 is amended to read:

16 **CHAPTER 3. ~~ABORTION~~**

17 **§ 101. ~~DEFINITION AND PUNISHMENT~~**

18 ~~A person who wilfully administers, advises or causes to be administered~~
19 ~~anything to a woman pregnant, or supposed by such person to be pregnant, or~~
20 ~~employs or causes to be employed any means with intent to procure the~~
21 ~~miscarriage of such woman, or assists or counsels therein, unless the same is~~

1 necessary to preserve her life, if the woman dies in consequence thereof, shall
2 be imprisoned not more than 20 years nor less than five years. If the woman
3 does not die in consequence thereof, such person shall be imprisoned not more
4 than 10 years nor less than three years. However, the woman whose
5 miscarriage is caused or attempted shall not be liable to the penalties
6 prescribed by this section. [Repealed.]

7 § 102. DYING DECLARATION AS EVIDENCE

8 In all prosecutions under the provisions of section 101 of this title, the dying
9 declaration of the woman whose death is produced by any of the means set
10 forth in such section may be admitted in evidence subject to the same
11 restrictions as in cases of homicide. [Repealed.]

12 § 103. JOINING WITH MURDER INDICTMENT

13 A person who is indicted for the murder of an infant child, or of a woman
14 pregnant or supposed by such person to be pregnant, may be charged in the
15 same indictment with the offenses under section 101 of this title, and may be
16 found guilty of any charge in the indictment sustained by the proof, and
17 judgment and sentence shall be awarded accordingly. [Repealed.]

18 § 104. ADVERTISING OR DEALING IN ANYTHING TO CAUSE
19 MISCARRIAGE

20 A person who knowingly causes to be made public by print, writing, words
21 or language that give any information where anything, or any advice or

1 ~~information, may be obtained for the purpose of causing or procuring the~~
2 ~~miscarriage of a pregnant woman, shall be imprisoned not more than 10 years~~
3 ~~nor less than three years. A person who sells or gives away anything for the~~
4 ~~purpose of producing such miscarriage shall be imprisoned not more than three~~
5 ~~years nor less than one year and fined not more than \$500.00 nor less than~~
6 ~~\$200.00, or both. [Repealed.]~~

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on passage.