

Utah HB 467 (2023) Talking Points

Toplines

- This dangerous bill is intended to prevent Utahns from accessing abortion and would functionally ban access to abortion in this state.
- **At its worst, this bill outright bans abortion in Utah.** The legislature already passed a total abortion ban in 2020, and a Utah state court judge blocked that law from going into effect. Now, HB 467 slightly amends that same total ban, aiming to sow confusion and concern about the legal status of abortion in the state. This is nothing but procedural and political maneuvering intended to get around a valid court decision and prevent Utahns from accessing abortion.
- Even if the updated total ban language *were* to remain enjoined, this bill would double down on its harmful impact by pushing abortion out of abortion clinics and prohibiting qualified, experienced practitioners from providing any abortion outside of a hospital or similar setting. **Requiring abortions to be performed in hospitals will effectively eliminate access to abortion in Utah.**
- Further, this bill would eliminate abortion clinics *entirely* by prohibiting the Utah Department of Health and Human Services from granting or renewing a license for an abortion clinic in Utah after May 2, 2023.
- There is simply no justification for this bill – it is based wholly on bias against abortion providers and designed to put abortion out of reach for Utahns seeking care.
 - Abortion is a critical component of reproductive health care and a safe procedure with a very low risk of complications—there is simply no reason to prevent health care providers from offering abortion services in licensed reproductive health clinics, as they do right now.
 - Abortion is exceptionally safe. Hospital requirements are unnecessary and make it more difficult and more costly for pregnant people to get the care they need.
- **Despite what the proponents of this bill may say, their primary aim is to close down abortion clinics in this state and put abortion out of reach for as many Utahns as possible.**

- Abortion clinics, like Planned Parenthood, are critical providers of reproductive health care in this state. Planned Parenthood and other clinics like us serve an important role in our communities, offering safe, accessible, unbiased, and non-judgmental services to those who need them.
- This bill would push all abortions out of clinics and, after May of 2024, eliminate abortion clinics altogether – for no reason other than anti-abortion animus.
 - Forcing abortion clinics to close would not only limit access to abortion care, but to a host of other types of reproductive health care, including access to contraception.
- But this bill doesn't stop there. It also creates a host of other obstacles to care for Utahns. For example it would:
 - Institute additional reporting and monitoring of health care providers that report that they provide abortions in Utah;
 - Further limit access to abortion for pregnant people under 14 years old and for survivors of rape and incest; and
 - Require providers to verify that survivors have made reports to law enforcement before accessing care.

Talking points re: hospital provision

- We know most hospitals in Utah are not providing abortions except in the most extreme cases. That means that if this bill passes and eliminates abortion clinics in the state, the vast majority of Utahns would be left with no in-state providers for the care they need.
- This bill would not just “shift abortion care to hospitals” – it would functionally eliminate access to most abortion in the state.\
- According to the University of Utah, their providers perform fewer than 30 pregnancy terminations” each year. All of these terminations are due to lethal defects, to protect the life of the mother or to prevent significant damage to one of the mother's bodily functions.¹ Utah-based hospital systems like the University of Utah Health do not have experience, training, facilities, or to provide the vast majority of abortions currently taking place in Utah.

¹ “University of Utah Statement: U.S. Supreme Court’s overturn of Roe v. Wade,” June 24, 2022, <https://attheu.utah.edu/facultystaff/university-of-utah-statement-u-s-supreme-courts-overturn-of-ro-v-wade/>

- Abortion is exceptionally safe. Hospital requirements are unnecessary and make it more difficult and more costly for pregnant people to get the care they need, eliminating access to care for many people.
- Because of hospital policies, capacity, and the cost of care, it is unrealistic to expect hospitals in Utah to “fill the gap” left by abortion clinics; instead, abortion will become essentially inaccessible in the state.
- The cost of a hospital-based abortion is significantly more than the same service provided in a clinic setting. Most first-trimester abortions at Planned Parenthood cost \$450, while the most expensive procedures there cost \$2000. Similar care at hospitals can easily cost \$10,000 to \$20,000 with no way of knowing the total charges.
- Most Utah health insurers exclude abortion coverage for fetal abnormalities. This list of insurers includes Select Health, Molina, BridgeSpan, BlueCross Regence, Utah Medicaid, and many other plans. These coverage exclusions mean that Utahns will need to self-pay the much higher costs of abortion care at hospital settings in HB 467 becomes law and restricts all abortion care to hospitals.
- The bill also eliminates the ability of Utah patients to seek a medication abortion via telemedicine, meaning that people in Utah who need an abortion will be forced to leave the state.
 - The burden of traveling across state borders for abortion care will make receiving an abortion impossible for many pregnant people and is not a feasible option for all people seeking an abortion. Financial instability, family and childcare responsibilities, and health concerns can present significant barriers to travel.
 - People should be able to access comprehensive health care, including abortion, in their own communities. These additional barriers only increase risks to patients and harm well-being.

Talking points re: abortion bans

- This bill would functionally eliminate access to abortion in Utah, cutting off access to critical care for thousands of people, despite the fact that the vast majority of Americans oppose total abortion bans.

- In fact, 87% of Americans oppose total abortion bans,² while a majority of Americans believe abortion should be legal in most or all cases.³
- The majority of Americans believe a pregnant person, together with her doctor and her family, should be able to make her own personal choices about her health and medical care throughout her pregnancy. Politicians should not be inserting themselves into these personal family decisions.
- This bill is part of a nationwide campaign by anti-abortion extremists to end legal abortion throughout the United States, and it will have devastating impacts on our communities.
- Abortion is a critical component of reproductive health care and a safe procedure with a low risk of complications—there is no justification whatsoever to functionally ban access.

Talking points re: importance of abortion access for communities

- **Abortion access is a public health imperative. When abortion is illegal or inaccessible, women and their families suffer severe consequences. If HB 467 becomes law, it will harm individual Utahns and our communities by putting abortion and other reproductive health care further out of reach and, for some people, limiting access altogether.**
 - Laws that arbitrarily ban abortion past a certain number of weeks of pregnancy result in delayed or denied care.
 - A study published in January 2020 by the National Bureau of Economic Research found that when a woman is unable to secure an abortion she needs, it quadruples the odds of the new mother and her child living in poverty going forward.⁴
 - Patients who are unable to access a wanted abortion are more likely to receive public assistance and lack full-time employment six months after being turned away.⁵ These economic consequences impact individuals, their families, and their communities for years to come.

² *Abortion*, Gallup, <https://news.gallup.com/poll/1576/abortion.aspx> (last viewed Feb. 21, 2023).

³ *Id.*; see also *Majority of Public Disapproves of Supreme Court's Decision To Overturn Roe v. Wade*, Pew Research Center (July 6, 2022), <https://www.pewresearch.org/politics/2022/07/06/majority-of-public-disapproves-of-supreme-courts-decision-to-overturn-roe-v-wade/>.

⁴ Miller, Sarah, et al. *The Economic Consequences of Being Denied an Abortion*, NBER Working Paper, No. 26662 (January 2020), <https://www.nber.org/papers/w26662>.

⁵ Diane Greene Foster, et al., *Socioeconomic Outcomes of Women Who Receive and Women Who are Denied Wanted Abortions in the United States*, 108 Am. J. Public Health 407 (2018).

- Furthermore, states with laws impeding access to abortion or limiting the number of abortion clinics have a decreased likelihood of transitioning from unemployment to employment for both women and men.⁶

Talking points re: support for abortion access from medical community

- **This bill runs contrary to guidance from the nation’s leading medical organizations.**
 - In July 2022, in direct response to the Supreme Court’s decision overturning *Roe v. Wade*, over 75 health care organizations, including the American Medical Association, the American Academy of Family Physicians, American Academy of Nursing, American Academy of Pediatrics, The American Board of Internal Medicine, and the Society for Maternal-Fetal Medicine, issued a statement condemning “all legislative interference in the patient–clinician relationship.”
 - The collection of expert groups stated that “Our patients need to be able to access—and our clinicians need to be able to provide—the evidence-based care that is right for them, including abortion, without arbitrary limitations, without threats, and without harm.”⁷
 - This statement from over 75 of the nation’s premier medical organizations and associations recognized that abortion bans “impair the integrity of the medical profession” and “have a devastating and unquantifiable impact on the patients and clinicians.”⁸
 - The statement was unequivocal about the fact that banning abortion harms patients.⁹
 - The American Medical Association recently reaffirmed the importance of access to reproductive health services, including abortion, without fear of criminal or civil liability.¹⁰

⁶ Kate Bahn et al., *Linking Reproductive Health Care Access to Labor Market Opportunities for Women*, Ctr. for Amer. Progress (Nov. 21, 2017, 9:01 AM), <https://www.americanprogress.org/issues/women/reports/2017/11/21/442653/linking-reproductive-health-care-access-labor-market-opportunities-women/>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Am. Med. Ass’n, *Resolution 28: Preserving Access to Reproductive Health Services* (adopted June 13, 2022), <https://www.ama-assn.org/system/files/a22-refcomm-conby-report.pdf>.

- The American Psychological Association has repeatedly affirmed their long standing position that access to comprehensive reproductive care without fear of criminalization is vital for psychological and mental health.¹¹

¹¹ APA Resolution Affirming and Building on APA's History of Support for Reproductive Rights, Am. Psych. Ass'n (Feb. 2022), <https://www.apa.org/about/policy/resolution-reproductive-rights.pdf>.