

June 18, 1996

MEMORANDUM FOR DISTRIBUTION

FROM: Debbie Fine

SUBJECT: State Initiatives on D&X/or "Partial Birth Abortions"

Attached is an update on state legislation, ballot initiatives or referendums on D&X or "partial birth abortions" provided by the Center for Reproductive Law and Policy.

As you can see, most of the initiatives already proposed are dead for this year. States where there is a possibility of action are: California (in the form of an amendment on other legislation), Idaho, New York, Oregon, Virginia and North Carolina. (Note: North Carolina is not included on the attached list, but there is now a state Senate bill pending.)

States that have passed related legislation already are: Iowa, Michigan, Utah and Ohio (Ohio bill is not listed here; it passed, but was then found unconstitutional.)

Updated talking points clarifying the President's position on H.R. 1833 will be available soon for key supporters in states where action remains a possibility. (Note: These will be used to ensure that when necessary, the President's message is accurately described.)

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THE CENTER FOR REPRODUCTIVE LAW AND POLICY

1995-1996 STATE LEGISLATION AND BALLOT INITIATIVES
BANNING "D&X"/PARTIAL BIRTH AND LATE ABORTIONS
(JUNE 6, 1996)CALIFORNIA

AB 2984 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense for abortions necessary to save the woman's life, if no other procedure would suffice) 5/31 failed in full Assembly by 35-36; died according to the rules of the legislature. *could apply as an amendment to other bills.*

SB 1999 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense for abortions necessary to save the woman's life, if no other procedure would suffice) Senate Health and Human Services. *pending, not likely to move out of committee.*

COLORADO

HB 1298 (ban on late abortions) (requires certification that post-viability abortions are necessary to preserve a woman's life or to prevent irreversible impairment of a major bodily function; establishes conditions for performing post-viability abortions) House Health, Environment, Welfare and Institutions; 2/20 postponed indefinitely, which killed the bill for this session.

GEORGIA

HB 1573 (ban on D&X abortions) (bans "partial birth" abortions except in cases of life-endangerment when no other procedure will suffice) House Judiciary; died when the legislature adjourned.

IDAHO

A measure proposed for the November 1996 ballot would prohibit abortions after viability except to prevent death or "serious physical injury" to the pregnant woman; the bill also prohibits the use of all abortion methods except induction or hysterotomy for post-viability procedures.

7/5 - will know whether moving ahead as an initiative, may not be on ballot.

ILLINOIS

SB 1492 (ban on D&X abortions) (prohibits "partial birth" abortions unless necessary to preserve a woman's life or prevent serious and permanent impairment of a major bodily function) Senate Rules; *died according to the rules of the legislature.* Devel

IOWA

HF 2109 (ban on late abortions) (prohibits the intentional termination of a pregnancy after the end of the second trimester if done with the knowledge and voluntary consent of the pregnant woman, unless performed to preserve the life or health of the woman) 4/10 Governor signed the bill, which is scheduled to take effect on 7/1/96.

KENTUCKY

SB 253 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense if procedure was necessary to save the woman's life and no other procedure would suffice) Senate Judiciary; 3/12 petition for hearing defeated by 15-22; *died when the legislature adjourned.*

LOUISIANA

HCR 25 (ban on D&X abortions) (resolution urging the President not to veto HR 1833) 4/2 enrolled and signed by Speakers of House and Senate; 5/20 chaptered by Secretary of State.

MARYLAND

HB 1213 (ban on D&X abortions) (prohibits "partial birth" abortions unless necessary to save a woman's life or prevent a substantial risk of severe permanent disability when no other procedure is available) House Environment; 3/21 received an unfavorable committee report; 3/22 a motion to overturn the report failed on the House floor by a vote of 39-89, which *killed the bill for this session.*

SB 695 (ban on D&X abortions) (bans "partial birth" abortions unless the woman's life is endangered and no other medical procedure is available to save her life; permits civil actions by putative married fathers and parents of a minor) Senate Judicial Proceedings; *died when the legislature adjourned.*

MICHIGAN

— signed by Gov., in effect 4/1/97
HB 5889 (ban on D&X abortions) (prohibits "partial birth" abortions unless the physician believes that the procedure is necessary to save the woman's life and no other procedure will suffice) House Human Services; 5/29 passed full House by 63-36; 6/4 rules were waived, bill was placed directly on the Senate calendar for final vote.

HR 324 (ban on D&X abortions) (resolution condemning presidential veto of H.R. 1833 and urging Congress to override the veto) House Human Services; 5/16 reported from committee; 5/29 amended and passed in full House by voice vote, then filed.

SB 1029 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense provided if the physician believed that a medical emergency existed and that no other procedure would resolve the medical emergency) Senate Families, Mental Health and Human Services; 5/29 reported from committee and placed on the Senate calendar.

MINNESOTA

Dead / HF 2001 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense if procedure necessary to save a woman's life) House Health and Human Services; *died when the legislature adjourned.*

MISSISSIPPI

Dead / SB 2741 (ban on D&X abortions) (prohibits D&X after viability except for life-endangerment and substantial and irreversible impairment of a major bodily function) Senate Public Health and Welfare; *died when the legislature adjourned.*

SB 2742 (ban on D&X abortions) (prohibits the use of D&X after viability except for life-endangerment and substantial and irreversible impairment of a major bodily function) Senate Public Health and Welfare; *died when the legislature adjourned.*

MISSOURI

Dead / HB 800 (ban on "partial birth" abortions) (amendment to a juvenile justice bill, HB 800, banning "partial birth" abortions unless necessary to save a woman's life) 5/17 "partial birth" amendment approved in full Senate by 16-13; 5/17 bill passed full Senate by 31-0; 5/17 full House refused to concur with the Senate amendments by voice vote, a conference committee was formed; 5/17 conference substitute was reached; 5/17 full House did not approve of conference substitute; *died when the legislature adjourned.*

NEW YORK

Dead / AB 9717-B (ban on D&X abortions) (bans "partial birth" abortions; affirmative defense for life-saving procedures) Assembly Health. *Amendment to budget bill. This*

SB 6901-B (ban on D&X abortions) (bans "partial birth" abortions; affirmative defense for life-saving procedures) Senate Codes; Senate Rules; 4/30 passed full Senate by 39-21; Assembly Health.

OREGON

A measure proposed for the November 1996 ballot would prohibit abortions after the first trimester, except when necessary to save a woman's life

SOUTH CAROLINA*Dead*

HB 4380 (ban on D&X abortions) (prohibits "partial birth" abortions) House Judiciary. *adjourned*

UTAH*Paced*

HB 206 (ban on methods of abortion) (bans saline amniocentesis and "partial birth" abortions after viability unless necessary to preserve a woman's life or health) 3/18 Governor signed the bill, which went into effect on 4/29/96.

VIRGINIA

HB 1185 (ban on D&X abortions) (prohibits D&X procedures after the second trimester) House Courts of Justice; 2/11 committee voted 21-1 to carry the bill over to later this year -- the legislature must vote on this measure by 12/20/96.

WASHINGTON*Dead*

HB 2524 (ban on D&X abortions) (prohibits abortions in the third trimester and after viability unless necessary to prevent death; prohibits "partial birth" abortions with an affirmative defense that the procedure was necessary to save the woman's life and no other procedure would suffice) House Law & Justice; *died when the legislature adjourned.*

North Carolina

SB 1480 — Pending

April 24, 1996

MEMORANDUM FOR DISTRIBUTION

FROM: Debbie Fine

SUBJECT: Summary of Status of Proposed State Bans

Attached fyi is a summary that the Center for Reproductive Law and Policy put together outlining the status of 1995-1996 proposed state bans on either D&X procedures, "partial-birth abortions" or various types of late-term abortions.

I have not attached copies of the actual bills described in the summary, however, I do have copies of many of them. If you are interested, please do not hesitate to let me know.

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1995-1996 STATE LEGISLATION AND BALLOT INITIATIVES BANNING D&X / "PARTIAL BIRTH" AND LATE ABORTIONS

California

AB 2984 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense for abortions necessary to save the woman's life, if no other procedure would suffice) Assembly Health; 4/10 reported favorably from committee by a vote of 11-6, referred to Assembly Public Safety.

SB 1999 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense for abortions necessary to save the woman's life, if no other procedure would suffice) Senate Health and Human Services.

Colorado

HB 1298 (ban on late abortions) (requires certification that post-viability abortions are necessary to preserve a woman's life or to prevent irreversible impairment of a major bodily function; establishes conditions for performing post-viability abortions) House Health, Environment, Welfare and Institutions; 2/20 postponed indefinitely.

Georgia

HB 1573 (ban on D&X abortions) (bans "partial birth" abortions except in cases of life-endangerment when no other procedure will suffice) House Judiciary; *died when the legislature adjourned.*

Idaho

A measure proposed for the November 1996 ballot would prohibit abortions after viability except to prevent death or "serious physical injury" to the pregnant woman; the bill also prohibits the use of all abortion methods except induction or hysterotomy for post-viability procedures.

Illinois

SB 1492 (ban on D&X abortions) (prohibits "partial birth" abortions unless necessary to preserve a woman's life or prevent serious and permanent impairment of a major bodily function) Senate Rules; *died according to the rules of the legislature.*

Iowa

HF 2109 (ban on late abortions) (prohibits the intentional termination of a pregnancy after the end of the second trimester if done with the knowledge and voluntary consent of the pregnant woman) 4/10 Governor signed the bill, which is scheduled to take effect on July 1, 1996.

Kentucky

SB 253 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense if procedure was necessary to save the woman's life and no other procedure would suffice) Senate Judiciary; 3/12 a petition requesting hearing defeated by 15-22; *died when the legislature adjourned.*

Maryland

HB 1213 (ban on D&X abortions) (prohibits "partial birth" abortions unless necessary to save a woman's life or prevent a substantial risk of severe permanent disability when no other procedure is available) House Environment; 3/21 received an unfavorable committee report; 3/22 a motion to overturn the report failed on the House floor by a vote of 39-89, which killed the bill for this session.

SB 695 (ban on D&X abortions) (bans "partial birth" abortions unless the woman's life is endangered and no other medical procedure is available to save her life; permits civil actions by putative married fathers and parents of a minor) Senate Judicial Proceedings; *died when the legislature adjourned.*

Minnesota

HF 2001 (ban on D&X abortions) (prohibits "partial birth" abortions; affirmative defense if procedure necessary to save a woman's life) House Health and Human Services; *died when the legislature adjourned.*

Mississippi

SB 2741 (ban on D&X abortions) (prohibits D&X after viability except for life-endangerment and substantial and irreversible impairment of a major bodily function) Senate Public Health and Welfare; *died when the legislature adjourned.*

SB 2742 (ban on D&X abortions) (prohibits the use of D&X after viability except for life-endangerment and substantial and irreversible impairment of a major bodily function) Senate Public Health and Welfare; *died when the legislature adjourned.*

New York

A 9717/S 6901 (ban on D&X abortions) (bans “partial birth” abortions; affirmative defense for life-saving procedures) Assembly Health.

Oregon

A measure proposed for the November 1996 ballot would prohibit abortions after the first trimester, except when necessary to save a woman’s life.

South Carolina

HB 4380 (ban on D&X abortions) (prohibits “partial birth” abortions) House Judiciary.

Utah

HB 206 (ban on methods of abortion) (bans saline amnioinfusion and “partial birth” abortions after viability unless necessary to preserve a woman’s life or health) 3/18 Governor signed the bill, which is scheduled to take effect on April 29, 1996.

Virginia

HB 1185 (ban on D&X abortions) (prohibits D&X procedures after the second trimester) House Courts of Justice; 2/11 committee voted 21-1 to carry the bill over to later this year -- the legislature must vote on this measure by December 20, 1996.

Washington

HB 2524 (ban on D&X abortions) (prohibits abortions in the third trimester and after viability unless necessary to prevent death; prohibits “partial birth” abortions with an affirmative defense that the procedure was necessary to save the woman’s life and no other procedure would suffice) House Law & Justice; *died when the legislature adjourned.*