



March 19, 2012

VIA FACSIMILE AND FEDERAL EXPRESS

The Honorable Gary R. Herbert
Governor of Utah
Utah State Capitol Complex
350 North State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114-2220

Re: House Bill 461

Dear Governor Herbert:

The Center for Reproductive Rights opposes House Bill 461 and urges you to veto this measure. House Bill 461 would be the most extreme law of its kind in the United States and would enact discriminatory and harmful public health policy.

The Center for Reproductive Rights is a non-profit advocacy organization that seeks to advance reproductive freedom as a fundamental human right. A key part of our mission is ensuring that women throughout the United States have meaningful access to high-quality, comprehensive reproductive health care services. In light of our background and experience, we believe that House Bill 461 would impose discriminatory and unjustified burdens on women seeking abortions and jeopardize their health.

If it becomes law, House Bill 461 would impose the most extreme waiting period restriction in the country by tripling from 24 hours to 72 hours the current waiting period that *already* exists in Utah for patients seeking abortions. The only other state to enact a waiting period this extreme is South Dakota, and a federal court preliminarily enjoined that law last year.¹ That court held that the 72 hour waiting period imposes an unconstitutional undue burden on women seeking abortion care in South Dakota.² Among other reasons, the court enjoined the law because of the harm to women's health that could be caused by delaying medical care.³

Utah law already requires women to make two trips to an abortion provider and wait 24 hours between the state-mandated counseling session and the procedure.⁴ Tripling the waiting

¹ *Planned Parenthood of Minn. et al. v. Daugaard*, 799 F. Supp. 2d 1048, 1066 (D.S.D. 2011).

² *Id.* at 1065-66.

³ *See id.* at 1065.

⁴ UTAH CODE ANN. § 76-7-305(2) (requiring state-mandated counseling at least 24 hours before the abortion in a "face-to-face consultation").

period serves no medical purpose and will do nothing to make a woman's decision more informed. Rather, it will merely delay when women can obtain medical care, thereby potentially risking their health. House Bill 461 would pose the greatest obstacles and health risks for disadvantaged women who are poor or must travel great distances to find an abortion provider.

Additionally, by requiring women to wait at least 72 hours before accessing medical care, House Bill 461 could deny women the ability to choose a medication abortion,⁵ which is only available through the first nine weeks of pregnancy. Reducing treatment options can compromise women's health because medication abortion has advantages over surgical abortion for women with certain health conditions, such as uterine anomalies. Other women, such as victims of rape or other sexual assault, have strong personal reasons for preferring medication abortion.

House Bill 461 is an extreme and unjustified measure that would jeopardize women's health. We urge you to veto this legislation. Please do not hesitate to contact us if you would like further information.

Sincerely,



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⁵ See *Daugaard*, 799 F. Supp. 2d at 1065.