

1 H.248

2 Introduced by Representatives Rosenquist of Georgia, Hango of Berkshire,  
3 Morrissey of Bennington, Peterson of Clarendon, and Strong of  
4 Albany

5 Referred to Committee on

6 Date:

7 Subject: Crimes and criminal procedure; reproductive rights; fetal personhood

8 Statement of purpose of bill as introduced: This bill proposes to narrow the  
9 right to reproductive choice and confer legal personhood status upon a human  
10 fetus beginning at 24 weeks of fetal development prior to birth for purposes of  
11 the criminal statutes.

12 An act relating to establishing fetal personhood

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

14 Sec. 1. 13 V.S.A. § 15 is added to read:

15 § 15. PERSONHOOD

16 For purposes of this title, the word “person” applies to human beings  
17 beginning at 24 weeks of fetal development prior to birth until death. For  
18 purposes of this section, fetal personhood shall begin at 24 weeks after the  
19 pregnant individual’s last menstrual period.

1 Sec. 2. 18 V.S.A. § 9493 is amended to read:

2 § 9493. PURPOSE AND POLICY

3 (a) ~~The~~ Subject to the restrictions of this chapter, the State of Vermont  
4 recognizes the fundamental right of every individual to choose or refuse  
5 contraception or sterilization.

6 (b) ~~The~~ Subject to the restrictions of this chapter, the State of Vermont  
7 recognizes the fundamental right of every individual who becomes pregnant to  
8 choose to carry a pregnancy to term, to give birth to a child, or to have an  
9 abortion.

10 (c) The State of Vermont recognizes that a human fetus at 24 weeks of  
11 development and after is a person under Vermont law.

12 Sec. 3. 18 V.S.A. § 9494 is amended to read:

13 § 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PRIOR TO  
14 24 WEEKS OF PREGNANCY PROHIBITED

15 (a) ~~A~~ Notwithstanding subsection 9493(c) of this title, a public entity as  
16 defined in section 9496 of this title shall not, in the regulation or provision of  
17 benefits, facilities, services, or information, deny or interfere with an  
18 individual's fundamental rights to choose or refuse contraception or  
19 sterilization or to choose to carry a pregnancy to term, to give birth to a child,  
20 or to obtain an abortion.

1 (b) No State or local law enforcement shall prosecute any individual for  
2 inducing, performing, or attempting to induce or perform the individual's own  
3 abortion prior to 24 weeks of pregnancy.

4 Sec. 4. 18 V.S.A. § 9497 is amended to read:

5 § 9497. ABORTION; RESTRICTING ACCESS PRIOR TO 24 WEEKS

6 PROHIBITED

7 A Notwithstanding subsection 9493(c) of this title, a public entity shall not:

8 (1) deprive a consenting individual of the choice of terminating the  
9 individual's pregnancy;

10 (2) interfere with or restrict, in the regulation or provision of benefits,  
11 facilities, services, or information, the choice of a consenting individual to  
12 terminate the individual's pregnancy;

13 (3) prohibit a health care provider, acting within the scope of the health  
14 care provider's license, from terminating or assisting in the termination of a  
15 patient's pregnancy; or

16 (4) interfere with or restrict, in the regulation or provision of benefits,  
17 facilities, services, or information, the choice of a health care provider acting  
18 within the scope of the health care provider's license to terminate or assist in  
19 the termination of a patient's pregnancy.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on July 1, 2021.