



Written by [Joe Wolverton, II, J.D.](#) on May 11, 2012

Utah Becomes First State with 72-Hour Waiting Period for Abortion

On Tuesday a new law took effect making Utah the first state to enact a 72-hour waiting period before a woman can abort a baby.

The bill, [HB 461](#), sponsored by Republican [Representative Steve Eliason](#) (pictured, left) of Sandy, increased the requisite waiting period by 48 hours, up from the previous mandate of 24 hours.



Eliason introduced the measure in February and it passed the state House of Representatives in early March by a vote of 59-11. After moving on to the state Senate, the bill was passed by that chamber by a vote of 22-6. The Senate version of the bill was sponsored by [Senator Curtis Bramble](#), (R-Provo).

In an [interview with the Salt Lake Tribune](#), Eliason described his bill as a “positive change for women and children.” Adding that “at the end of the day, it’s a consumer protection law.”

Not surprisingly, from the beginning Planned Parenthood opposed the imposition of the longer waiting period.

Executive director Karrie Galloway called the new statute “the most onerous law in the land” on abortion.

“What it says is that the Utah Legislature doesn’t trust that a woman knows how to make a decision,” she said. “The (former) law was working fine,” [Galloway told the Deseret News](#).

Galloway reiterated that position in [a statement to the Christian Post](#). She said the “former waiting period allowed a woman to take all the time she needed to make a decision.” Then, in language that is tortuous to the ears of those who view abortion as the murder of an unborn human being, Galloway added, “With a time sensitive medical procedure, increasing the waiting time was an intrusive, arbitrary hoop for women to navigate.”

The American Civil Liberties Union in Utah joined Planned Parenthood in opposing the bill. Describing the 72-hour waiting period as “extreme” and “unnecessary,” [a letter from the ACLU to Utah Governor Gary Herbert](#) argued that the bill “substantially burden[ed] a woman’s constitutional right to access abortion services and wrongly assumes that women do not carefully consider the difficult decision of whether to have an abortion.”

Despite their disdain for the new law, spokesmen for the groups have said that they have no plans to file a legal challenge to it, but will retain the right to do so after they have observed how the law is applied going forward.

Remarkably, neither Planned Parenthood nor the ACLU explains how waiting two additional days before ending the life of an unborn child a repeal of this so-called “constitutional right” or why it would be a bad thing for Utah or America if a few women decided to keep the baby they were considering aborting. The language used in the statements made by the two groups seems to encourage abortion (something



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the pro-abortion movement has always denied) rather than defending some supposed right.

For his part, Representative Eliason considered the 24-hour waiting period to be too small a window for accommodating the careful consideration of such a devastating and permanent act.

“The focus of this bill is women having time to consider all of the information that is given to them when facing a life-altering decision that somebody else is making money off of,” Eliason [told the Salt Lake Tribune](#).

In the *Tribune* interview, Eliason compared the waiting period before an abortion to “a cancer patient receiving all the relevant information before beginning treatment.” He also made an important analogy to similar requirements the law makes before one can purchase a gun, get married or divorced, or get approved for a mortgage. None of which are acts that cannot be undone, such as the killing of an unborn child.

“I’ve never known anybody who’s undone an abortion,” Eliason said.

According to the *Deseret News*, HB 461 is one of 477 bills passed by the Utah State Legislature in 2012. Most of those new laws (two of the bills were vetoed by Governor Herbert) went into effect on Tuesday, including HB 461.

Although South Dakota was the first state to pass a 72-hour waiting period, that measure, which required a woman seeking an abortion to receive counseling at an anti-abortion clinic, was enjoined from enforcement by a court order issued before the law ever took effect. That decision leaves Utah as the only state in the union that requires a waiting period longer than 24 hours.

One of the bill’s most ardent advocates is the Eagle Forum of Utah. Gayle Ruzicka, head of the Eagle Forum, proclaimed the enactment of the new waiting period a victory for Utah.

Furthermore, Ruzicka said she believes that after the original language was amended, Utah’s abortion legislation is sound and will withstand any legal challenged filed by Planned Parenthood or the ACLU.

“We made sure we didn’t have anything in that bill that would be challenged,” Ruzicka said. “Every concern that Planned Parenthood or the ACLU or anybody had, we fixed.”

Planned Parenthood’s Galloway disagrees.

“We are trying to comply with the law, but it is an extremely frustrating situation,” she said. “I’m equally, if not more, frustrated with [the bill sponsor’s] intent to impose his morality but not set up a system that will work,” Galloway told the *Tribune*.

Additionally, Galloway complained that the burdens of the new law (burdens she describes as possibly “criminal”) are not subject to any verification and that compliance is not checked by any state agency.

According to [a statement made to the Salt Lake Tribune](#), the Utah Department of Health’s Nan Streeter admits that the bill does not authorize her agency to oversee compliance with the new mandates.

“We talked with our attorney and also with the deputy director of the department to ask about what we were responsible for, and the way the law was written, the only authority the Department of Health has is related to the development of the abortion consent materials,” said Streeter, deputy director of the Division of Family Health and Preparedness. “There’s no provision for the department to either enforce or oversee the consent process.”

Representative Eliason responded to these concerns by explaining that the oversight and enforcement



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procedures from the previous law have been kept intact. In fact, he reports that he has not heard of any issues relating to a lack of oversight or enforcement.

“If they want more rules and regulations regarding putting the process in motion, I’m sure there are a lot of people willing to make the law more stringent than it is,” Eliason told the *Tribune*.

Eliason’s point is well made. Given the fact that the ACLU and Planned Parenthood view the expanded waiting period as a violation of some constitutional protection of a woman’s right to abort a baby when she will, it would seem that they would not want to see rigorous enforcement of such a measure. Rather, one would expect that they would remain happily silent about a scenario where no one in officialdom is watching to make sure that the 72-hour waiting period is vigorously enforced.

Neither the ACLU of Utah nor Planned Parenthood responded to *The New American’s* request for a clarification on this issue.

According to Section 305 of the law, which modified [Title 76 Chapter 7 of the Utah Criminal Code](#) (Offenses Against the Family), in addition to criminal penalties, any physician performing an abortion without requiring a woman to abide the 72-hour waiting period faces “suspension or revocation of the physician’s license for the practice of medicine and surgery.”



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