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## **Oppose HB 963– Yet another step toward severely restricting abortion in Virginia.**

Every pregnancy is different and we cannot presume to know all the circumstances surrounding a personal, medical decision to have an abortion. The U.S. Supreme Court has recognized that the Constitution protects a woman's right to make that decision. The Court specifically held that: (1) a state may not ban abortion prior to fetal viability; and (2) a state may ban abortion after viability so long as there are exceptions to protect the woman's health and life. *Roe v. Wade*, 410 U.S. 113, 163-64 (1973). These principles have been repeatedly reaffirmed, as well they should: A woman shouldn't be denied basic health care or the ability to make the best decision for her circumstances because some politicians disagree with her decision.

Because of the inherently private nature of a woman's decision to continue or terminate a pre-viability pregnancy, the Supreme Court has recognized that she should be "be free from unwarranted governmental intrusion" when making that decision. *Planned Parenthood v. Casey*, 505 U.S. 833, 851 (1992). But in conflict with the law, in disregard of medical science, and for reasons unrelated to viability, this bill takes away a woman's decision-making ability after a certain number of weeks. Banning abortions starting at 20 weeks—which is a pre-viability stage of pregnancy—directly contradicts longstanding precedent.

In *Planned Parenthood v. Danforth*, 428 U.S. 52, 64 (1976), the Supreme Court explained that "it is not the proper function of the legislature or the courts to place viability, which essentially is a medical concept, at a specific point in the gestation period." Because this bill puts an arbitrary time limit on when a woman can obtain an abortion, it is unconstitutional. In fact, federal courts have struck down similar 20-week bans for this very reason. See *Jane L. v. Bangerter*, 102 F.3d 1112 (10th Cir. 1996); *Isaacson v. Horne*, 716 F.3d 1213 (9th Cir. 2013); *McCormack v. Herzog*, 788 F.3d 1017 (9th Cir. 2015).

Moreover, this bill provides only very narrow exceptions to its ban. Even if it only applied to post-viability abortions—which it does not—a post-viability ban must make an exception where an abortion is, as the Supreme Court wrote, "necessary, in appropriate medical judgment, for the preservation of the life or health" of the woman. *Casey*, 505 U.S. at 879 (emphasis added). The Supreme Court has rejected the notion that a health exception can be limited to only major physical functioning. See, e.g., *Doe v. Bolton*, 410 U.S. 179, 192 (1973).

**We can all agree that a woman's health, not politics, should drive important medical decisions.  
Politicians aren't medical experts and they shouldn't be meddling.**