

1 SB220  
2 201544-2  
3 By Senators Figures, Beasley, Burkette, Smitherman, Singleton  
4 and Coleman-Madison  
5 RFD: Judiciary  
6 First Read: 20-FEB-20

SYNOPSIS: Under Act 2019-189, effective November 15, 2019, abortion or attempted abortion is a felony except to prevent serious health risks to the mother.

This bill would repeal Act 2019-189.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to abortion; to provide legislative findings; and to repeal Act 2019-189, 2019 Regular Session, now appearing as Chapter 23H of Title 26, Code of Alabama 1975, providing for criminal penalties for the performance of an abortion or attempted abortion.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) Act 2019-189, enacted during the 2019 Regular Session, makes it a felony to perform an abortion or to

1 attempt an abortion, and other than an exception relating to  
2 the health of the mother, the act provides no other exception  
3 to the criminal penalties.

4 (2) This law has been immediately criticized as one  
5 of the strictest abortion laws in the country and even  
6 religious conservatives have questioned the lack of reasonable  
7 exceptions to the prohibition; for example, televangelist Pat  
8 Robertson has labeled the law as "extreme" and concludes that  
9 Alabama has "gone too far."

10 (3) President Donald Trump has also questioned the  
11 reach of this law; he tweeted, "I am strongly Pro-Life, with  
12 the three exceptions - Rape, Incest and protecting the Life of  
13 the mother - the same position taken by Ronald Reagan. . . ."

14 (4) The overreach of this law has already served as  
15 the catalyst for a tarnished view of our state, which will  
16 only serve to negatively impact tourism and our economy;  
17 numerous groups are already calling for a boycott of our state  
18 and other states and localities are choosing not to authorize  
19 the spending of state resources on travel to our state.

20 (5) Proponents of the law readily concede that the  
21 law is unconstitutional under existing caselaw and is headed  
22 for a long and expensive court battle, which will, in turn,  
23 unnecessarily cost the taxpayers of this state.

24 (6) Rather than spending state funds on unnecessary  
25 and unfruitful legal battles, our resources would be better  
26 preserved to address the immediate and urgent needs of  
27 Alabamians in this state, including the following:

1           a. The infant mortality crisis; in 2017, Alabama had  
2 the fourth worst infant mortality rate in the country: 7.4  
3 deaths per 1,000 live births.

4           b. The rural health care crisis in this state; a  
5 lack of access to health care in rural areas, access to  
6 hospitals, and retention of physicians perpetuates poverty,  
7 preventable diseases and illnesses, and is a significant  
8 contributing factor to Alabama's 49th ranking in the nation  
9 for life expectancy rates.

10          c. The health insurance crisis; this state's failure  
11 to expand Medicaid has left more than 140,000 Alabamians  
12 uninsured and without access to basic health care.

13          (7) On October 29, 2019, the United States District  
14 Court for the Middle District of Alabama ruled that  
15 enforcement of the act would irreparably harm those who  
16 contemplated or sought, but could not lawfully obtain,  
17 pre-viability abortion and preliminarily enjoined enforcement  
18 of the act.

19          Section 2. Act 2019-189, 2019 Regular Session, now  
20 appearing as Chapter 23H of Title 26, Code of Alabama 1975,  
21 providing criminal penalties for the performance of an  
22 abortion or attempted abortion, is repealed.

23          Section 3. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.