

# FAMILY PLANNING POLICY SNAPSHOT

2023 POST LEGISLATIVE SESSION | MARCH 2023

FPE is committed to expanding access to high-quality comprehensive reproductive health care, & the accessibility of this care can be influenced positively or negatively by state & national policies. With this in mind, FPE provides data-driven resources for Utah policymakers & advocates who want to make evidence-based decisions about reproductive health access & services for their constituents & communities. We hope you find this snapshot helpful.

## GREATER ABORTION RESTRICTIONS

### HB 467: ABORTION CHANGES

- No new licenses for abortion clinics will be granted after May 2, 2023
- All abortion clinic licenses will be revoked after December 31, 2023
- All abortions must take place in a licensed hospital beginning May 3, 2023
- Survivors of rape or incest can only receive an abortion before 18 weeks gestation in accordance with the state's current 18-week ban & the state's "trigger ban"
- Current abortion exceptions in the "trigger ban" are limited to only when a pregnant person is experiencing a "life threatening physical condition" or risks "substantial impairment of a major bodily function"
- Includes exceptions for people under 15 years of age but only up to 18 weeks gestation
- **HB 467 was signed** into law March 15, 2023

### HB 297: VICTIMS SERVICES AMENDMENTS

- Creates additional barriers for victims of sexual assault to access abortion care
- In order to qualify to receive an abortion, rape victims must cooperate with a law enforcement investigation by filing a police report, & submitting an affidavit to the physician providing the abortion
- Limits the time that victims may access emergency contraception in a medical setting to 72 hours after the assault
  - Many emergency contraceptive methods are effective up to 120 hours
- Reporting requirements place harmful restrictions on victims' privacy & bodily autonomy<sup>1</sup>
- **HB 297 was signed** into law March 14, 2023

1. [sltrib.com/news/2022/07/06/utahs-trigger-law-requires-rape/](https://www.sltrib.com/news/2022/07/06/utahs-trigger-law-requires-rape/)

## GENDER AFFIRMING CARE RESTRICTIONS

### SB 16: TRANSGENDER MEDICAL TREATMENTS & PROCEDURES AMENDMENTS

- Creates a moratorium on access to hormone treatments for minor patients after January 28, 2023
- Bans gender-affirming surgical procedures for minors
- Prevents physicians from providing hormonal treatment to minor patients not diagnosed with gender dysphoria before January 28, 2023
- Extends the scope of medical malpractice claims if an individual who received medical treatment as a minor later refutes their consent
- **SB 16 was signed** into law January 28, 2023

## SB 133: MODIFICATIONS TO MEDICAID COVERAGE

- Expands Medicaid coverage of family planning services to those earning up to 185% of the federal poverty level (FPL)
  - Access to contraception allows people to plan their lives, achieve their goals, & build healthy families<sup>2</sup>
- Expands Medicaid coverage for postpartum mothers from 60 days to 12 months
  - Expanded postpartum coverage will give an additional 10 months of coverage to 2,550 mothers according to the Utah Department of Health & Human Services, addressing maternal health & morbidity issues that occur in the weeks & months after giving birth
- **SB 133 was signed** into law March 15, 2023

[2. guttmacher.org/report/social-and-economic-benefits-womens-ability-determine-whether-and-when-have-children](https://www.guttmacher.org/report/social-and-economic-benefits-womens-ability-determine-whether-and-when-have-children)

## HB 170: CHILD TAX CREDIT REVISIONS

- Helps parents with low-income pay for the cost of childcare
- Enacts a non-refundable tax credit of \$1,000 per child per year for families with children under 6 years old making between \$45,000-\$56,000 annually.
- **HB 170 was signed** into law March 22, 2023

## HB 477: FULL-DAY KINDERGARTEN AMENDMENTS

- Expands full-day kindergarten statewide including a half-day option if parents request it
- Modifies state funding formulas to allocate \$60 million annually to fund HB 477 compared to \$12 million previously
- **HB 477 was signed** into law March 17, 2023

## SB 192: MEDICAL DOULA SERVICES

- Proposed that the Utah Department of Health & Human Services work to develop a Medicaid state plan amendment covering prenatal & postpartum doula care
- **SB 192 failed** in the House on March 1, 2023 with a 18-51-6 vote

## HB 415: MATERNAL COVERAGE AMENDMENTS

- Proposes to add doula services, midwife care, & access to birth centers on the public employee health insurance program (PEHP)
- Has a negative fiscal note, saving the state money
- **HB 415 was signed** into law March 15, 2023

## HJR 8: JOINT RESOLUTION FOR FERTILITY PRESERVATION

- Expands access to fertility preservation services for public employees
- Requires the public employee health insurance program (PEHP) to provide coverage for fertility preservation treatments, including consultations, medications, & procedures
- **HJR 8 was signed** into law March 15, 2023

## SB 178: SEXUAL CRIME MODIFICATIONS

- Attempted to make the removal of a sexually protective device without the consent of the other individual a class A misdemeanor
  - Sexually protective devices include a male or female condom, spermicide, diaphragm, cervical cap, contraceptive sponge, or dental dam
  - If the other individual becomes pregnant or contracts a sexually transmitted infection because of the removal, it is a third-degree felony
- **SB 178 died** in the Senate March 3, 2023

## SB 217: CHILDREN'S HEALTH COVERAGE AMENDMENTS

- Expands CHIP to cover healthcare costs for low-income undocumented children
- Requires the Department of Health & Human Services to create a waiting list of undocumented children who are at or below 200% FPL
  - Creates an expendable special fund to cover their healthcare costs
- Includes 5-year evaluation plan & data collection requirements
- **SB 217 was signed** into law March 17, 2023

## HB 429: PREGNANT AND POSTPARTUM INMATE AMENDMENTS

- Creates the Correctional Postnatal & Early Childhood Advisory Board which will consider the benefits of creating a nurseries within correctional facilities for incarcerated women & their infants up to 24 months old
- The Law Enforcement & Criminal Justice Interim Committee may adopt rules for the certification of these nurseries depending on advisory board findings
- **HB 429 was signed** into law March 20, 2023