



Vermont | RANKING 50

Vermont has an abysmal record on life, lacking the most basic legal protections for women considering abortion and for unborn victims of criminal violence. Further, Vermont has legalized suicide by physician and is one of only four states that does not protect healthcare freedom of conscience. In 2019, Vermont passed Proposal 5 which declares “personal reproductive autonomy” as “central” to the ability to “determine one’s own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means. The Proposal has to pass the legislature in 2020 and be approved by voters in 2022 before it is added to the State Constitution.

ABORTION

- The Vermont Constitution has been construed to provide a broader right to abortion than interpreted in the U.S. Constitution.
- In 2019, Vermont passed the Freedom of Choice Act in which the legislature stated Vermont “recognizes the fundamental right of every individual who becomes pregnant to choose to carry a pregnancy to term, to give birth to a child, or to have an abortion.”
- The Freedom of Choice Act also prohibits any public entity from “interfer[ing] with” or restricting an individual’s right to obtain an abortion. This includes the “provision of benefits, facilities, services, or information.”
- Vermont allows abortions after viability, even in cases where the mother’s life or health is not endangered.
- It has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The requirement applies to both surgical and nonsurgical abortions.
- Vermont taxpayers fund “medically necessary” abortions for women receiving public assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Vermont law does not affirmatively protect infants born alive during botched abortions.
- Vermont law does not recognize an unborn child as a potential homicide or assault victim.
- It allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- Vermont’s Baby Safe Haven Law allows mothers to legally leave their infants at designated places and ensures the infants receive appropriate care and protection. It permits a person or facility receiving an infant to not reveal the identity of the person relinquishing the child unless there is suspected abuse.

BIOETHICS LAWS

- Vermont does not prohibit or limit human cloning, destructive embryo research, or fetal experimentation.
- It does not promote ethical alternatives to destructive embryo research.
- Vermont does not regulate assisted reproductive technologies or human egg harvesting.

PATIENT PROTECTION LAWS

- Suicide by physician is legal in Vermont. Importantly, the law fails to include some of the most basic legal protections for those considering suicide by physician. A physician who has only examined a patient once is permitted to prescribe life-ending drugs to the patient. The physician is not required to refer the patient for an evaluation by a psychiatrist to determine if the patient is depressed or being coerced to end his/her life. Further, the law does not require witnesses to be present when the patient takes a life-ending medication, increasing the possibility that persons who may wish to hasten a patient's death might be with the patient and pressure the patient to end his/her life or even administer the lethal drugs instead of the patient.
- Vermont requires the state Department of Health to provide an annual report on end-of-life care and pain management. It also has a Patient's Bill of Rights for Palliative Care and Pain Management, ensuring that healthcare providers inform patients of all of their treatment options. A lawsuit alleging that this provision violates the rights of conscientious providers resulted in a representation by the state that the Patient's Bill of Rights would not be interpreted to infringe conscience rights.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION

- Vermont currently provides no protection for the rights of conscience of healthcare providers who conscientiously object to participating or assisting in abortions or any other healthcare procedure.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Vermont currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider's moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal throughout pregnancy.

RECOMMENDATIONS FOR VERMONT

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Right to Know Act with reflection period
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Notification for Abortion Act
 - Child Protection Act
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INFANTS' PROTECTION PROJECT

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Born-Alive Infant Protection Act
 - Unborn Infants Wrongful Death Act
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PATIENT PROTECTION ACT PRIORITIES

- Suicide by Physician Ban Act
 - Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- State Constitutional Amendment (providing that there is no state constitutional right to abortion)
- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

END OF LIFE

- Repeal Suicide by physician Law and Enact Suicide by Physician Ban Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act