

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

May 8, 2017

The Honorable Corey Stapleton  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 282 (SB 282), "AN ACT REVISING ABORTION LAWS TO RESTRICT THE PERFORMANCE OF AN ABORTION OF A VIABLE FETUS; REVISING THE DEFINITION OF A VIABLE FETUS; PROVIDING FOR THE DELIVERY OF A VIABLE FETUS IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTIONS 50-20-102, 50-20-104, 50-20-106, 50-20-108, 50-20-109, 50-20-110, AND 50-20-306, MCA."

SB 282 bans abortion after a fetus achieves viability, which the bill defines as when a fetus has a 50 percent chance of living outside a woman's body. Because an outright ban on abortion would not withstand constitutional scrutiny, the sponsors of the bill attempt to circumvent *Roe v. Wade* by imposing an arbitrary "chance of survival" standard. The "chance of survival standard" is not supported either medically or legally.

Restrictions similar to SB 282 were attempted by politicians in Idaho in 2013 and Arizona in 2015. These restrictions were challenged in the Ninth Circuit Court of Appeals, which has jurisdiction over federal appeals from Montana. The court struck down both bans, holding that the U.S. Supreme Court has been "unalterably clear" that "a woman has a constitutional right to choose." SB 282 also runs counter to repeated Supreme Court rulings that establish a woman has a right to access abortion at all stages of pregnancy when necessary to protect her life *and* health. If this bill were enacted, a woman could be subject to forced caesarian section or inducement of labor if continuing her pregnancy after viability threatened her life – in violation of established legal precedent.

Montana's elected officials have no business substituting their personal beliefs for the sound medical judgment of our healthcare professionals or the deeply personal medical decisions of their constituents. As a father, husband, and son, I stand firmly opposed to restrictions on a woman's ability to make deeply personal medical decisions in consultation with her medical provider, family members, and spiritual leaders.

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For these reasons, I veto SB 282.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Bullock", with a long horizontal flourish extending to the right.

STEVE BULLOCK  
Governor

cc: Legislative Services Division  
Scott Sales, President of the Senate  
Austin Knudsen, Speaker of the House