



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

IN THE SENATE  
SENATE AMENDMENT TO H.B. NO. 242

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, in line 20, following "trafficking." in-  
2 sert: "As used in this subsection, the terms "procure" and "obtain" shall  
3 not include the providing of information regarding a health benefit plan."  
4 in line 29, delete "or section 18-622, Idaho Code,"; in line 30, delete "or  
5 section 18-622,"; in line 31, delete "Idaho Code,"; and in line 32, delete  
6 "or section 18-622, Idaho Code,".  
7

AMENDMENT TO SECTION 2

8 On page 2, delete lines 16 through 18, and insert:  
9 "~~(3) Notwithstanding any other provision of law, a civil cause of ac-~~  
10 ~~tion under this section may not be brought by a person who impregnated the~~  
11 ~~mother through an act of rape or incest.~~"; in line 19, delete "(4)" and in-  
12 sert: "~~(4)~~ (3)"; in line 24, delete "(5)" and insert: "~~(5)~~ (4)"; in line  
13 28, delete "(6)" and insert: "~~(6)~~ (5)"; in line 35, delete "(7)" and insert:  
14 "~~(7)~~ (6)"; in line 39, delete "(8)" and insert: "~~(8)~~ (7)"; in line 41, delete  
15 "9" and insert: "8"; and delete lines 45 through 50.  
16 On page 3, in line 1, delete "11" and insert: "9"; in line 5, delete  
17 "12" and insert: "10"; in line 19, delete "13" and insert: "11"; in line 32,  
18 delete "14" and insert: "12"; and delete lines 36 and 37.  
19

*Attachment 1*

## About H 242 – Abortion Trafficking

H 242 is a **parental consent** bill. It applies only where an *underage girl* obtains an abortion. Once enacted, H 242 will make it a crime for an adult to transport (or harbor or recruit) an underage girl to procure an abortion *with the intent to conceal the abortion from her parents*.

Parental consent is a defense under H 242.

H242 is an important part of protecting underage, pregnant girls and their parents. **Neither Washington nor Oregon require parental consent before a minor obtains an abortion.**

The National Right to Life Committee drafted the model legislation on which H 242 is based, and H 242 is the National Right to Life Committee's highest priority for new legislation in Idaho this legislative session. David Ripley, the Executive Director of Idaho Chooses Life, testified in favor of H 242 in the House State Affairs Committee.

### What good does H 242 do?

*Human trafficking.* Much human trafficking is for sex work; pregnancy is a liability; traffickers are incentivized to obtain abortions. For an underage victim, that is a revictimization. Human trafficking of minors has been reported in Idaho.

*Adult male partner.* Surveys show that most underage girls who become pregnant do so with an adult man. Such pregnancies can be evidence of statutory rape. An adult man may be strongly incentivized to obtain an abortion for his underage partner, and doing so might even conceal statutory rape.

*Youthful relationships.* Even in a romantic relationship between two minors, a girl's parents should be involved in her decision-making. In one prominent example, a Pennsylvania woman's underage daughter was pressured by and ultimately transported for an abortion by her boyfriend's family. Right to Life of Idaho members have personally spoken with one woman in Idaho whose underage daughter was transported to Oregon by an unrelated adult for an abortion without her consent.

**Abortion is a serious moral and health issue, and parents have a right to participate in decision-making for their underage daughters when abortion is involved.** It should be a crime to obtain an abortion for a minor with the intent to conceal the abortion from her parents.

## Questions & Answers

*Does this bill criminalize abortions in other states?*

No. H 242 criminalizes certain adult actions *in Idaho*. The abortion assistance must happen *in Idaho*, even if the abortion ultimately occurs in another state.

*Does this bill violate the right to travel?*

No. This law does not speak to whether women can travel for abortions. This bill is about protecting parental rights in a circumstance in which an underage girl would get an abortion without her parents' consent.

*What if a girl is raped?*

Idaho law allows abortion in the case of rape. A judicial bypass is available if necessary.

*What if a girl is afraid to tell her parents?*

Many underage girls may be afraid or ashamed to tell their parents they are pregnant, but parents still have a right to help their children in such difficult circumstances.

*What if a girl is abused by her parents?*

Girls who have a guardian are provided for under the law—the guardian may consent to the abortion. Otherwise, any “trusted adult” helping a girl obtain an abortion should be helping her escape an abusive home. A secret abortion is not the answer.

*Shouldn't we wait before acting on abortion so soon after Dobbs?*

No. This bill is *more necessary because of Dobbs*. Idaho already requires parental consent to obtain an abortion in this state. But with most abortions now illegal in Idaho, the incentive to travel to another state for an abortion (where Idaho's parental consent laws don't apply) is greater. And many Idaho parents might not realize that Idaho's laws do not protect their parental relationship from such interference. Under current laws, there would be *no way to punish* an adult for taking an underage girl to Oregon for an abortion *with the intent to conceal that abortion from her parents*.

*Doesn't H 242 create civil penalties for parents who consent to an abortion?*

No. The changes to Idaho Code § 18-8807 in H 242 do not pertain to the abortion trafficking offense created in § 18-623. These civil penalties apply to abortion providers inside Idaho, for whom abortion is largely illegal. The penalties, if sought, would be paid by abortion providers.

March 23, 2023  
Idaho State Capitol Building, room WW55  
700 W Jefferson St  
Boise, ID 83702

Mr Chairman and Members of the Senate State Affairs Committee:

My name is Katherine Aberle, and I am a physician. This is my personal experience. I live in district 4.

I have supported women in crisis since I was a volunteer with the rape crisis team on my college campus 20 years ago. Over the years, I became involved with crisis pregnancy centers, both in Idaho and other states. During my career as a surgeon, I have provided medical care to people of all ages, including young women.

It is illegal to provide medical care to a minor without written or verbal consent from a parent. In my practice, a documentation from a parent or guardian was necessary prior to seeing the patient in the office. In addition, parents or guardians were always present during pre-surgical consultation visits. It is imperative that a parent or guardian is present during discussions of surgical risk, including risk of life-threatening complications that can occur even during the most routine surgery, like tonsillectomy. Parental consent is required for all surgical procedures, as minors are not considered able to provide their own consent until the age of 18.

The surgical risks of abortion are rarely discussed in the abortion debate. Life threatening bleeding and infection can occur, in addition to the significant emotional toll that many women carry for the rest of their lives. Human trafficking as well as statutory rape victims are also left out of the abortion discussion. These women are coerced into obtaining abortions to protect their traffickers and rapists. We know that human trafficking of minors is happening in Idaho.

House Bill 242 supports parental consent and protects vulnerable minors. It is our duty to stand in the gap for those in our society who do not have the voice to speak for themselves.

It is my personal and professional recommendation that you vote YES to H 242

I will stand for questions.

## Testimony for H 242: Abortion Trafficking of a Minor Bill

Mr. Chairman, members of the committee, my name is Samantha Doty and I am a Physician Assistant and the Director of Clinical Services at Stanton Healthcare.

I'm here as a medical professional, and to be a voice for the women we serve, as well as all Idaho women who believe in quality healthcare.

I stand before you today urging you to vote YES on House Bill 242. Idahoans acknowledged the fact that women deserve better than abortion when virtually all abortions were banned in Idaho last year. As this new landscape unfolds, we need to take additional action to protect vulnerable young women who may be coerced by an adult to get an abortion.

About 5% of all our pregnant clients at Stanton Healthcare are under the age of 18. These young women are scared out of their minds and searching desperately for help. Most of these women have not yet shared the news of the pregnancy with their parents. They are extremely vulnerable and are seeking direction for their next steps. Depending on who they turn to, they could be convinced or coerced into procuring an abortion across state lines versus given the life-affirming care and support provided at Stanton and other pregnancy clinics in our state.

This law is especially designed to protect young women who are being abused or trafficked. We know that pregnancies resulting from abuse or human trafficking are often covered up by the abuser forcing an abortion for the victim. Abortion only adds to the trauma that has already been endured. Idaho needs to protect these women.

The bottom line is that young women facing unexpected pregnancies deserve better than abortion. This law would not only encourage conversations between young women and their parents, it would protect in cases of human trafficking, and prevent an adult from procuring an abortion to conceal abuse. This bill is exactly the type of follow up we need to continue protecting young women in Idaho from the trauma of abortion.

Stanton Healthcare respectfully asks that you support House Bill 242 and send it to the floor with a Do Pass recommendation.

Thank you for your time and I stand for any questions.