

# CONSTITUTIONAL INITIATIVE 128 (CI-128) FACT SHEET

## Abortion is Already Legal in Montana

- Abortion is currently legal in Montana up to the point of fetal viability—generally at 24 weeks of pregnancy, with some exceptions for after viability.
- Doctors, physician assistants and Advanced Practice Registered Nurses can perform abortions.
- Before performing an abortion on an underage girl, abortionists are required to notify her parents, with some exceptions.
- Mifepristone, or the “abortion pill” is available in Montana through abortion providers in-person and via Telehealth.

## Who is Behind CI-128?

Montanans Securing Reproductive Rights (MSRR) is the coalition that drafted and is promoting CI-128. MSRR partners are:

- Planned Parenthood Advocates of Montana
- ACLU Montana
- Forward Montana
- The Fairness Project

## Who is Funding CI-128?

Top Donors as of August 25th are all out-of-state:

- Advocacy Action Fund, Inc. (CA): \$3,000,000
- Sixteen Thirty Fund (D.C.): \$2,000,000
- GISWF-Montana (VA): \$1,470,000
- Gwendolyn Sontheim (CA): \$1,100,000
- The Fairness Project (D.C.): \$1,250,000
- American Civil Liberties Union Foundation, Inc. (NY): \$500,000
- Think Big America-MT (D.C.): \$500,000
- New Venture Fund (D.C.): \$350,000
- Advocacy Action Fund (CA): \$250,000
- Alliance for Youth Action (D.C.): \$100,000
- Delaney Family Trust (CA): \$100,000
- Robert Stavis (NY): \$100,000
- Deborah Simon (IN): \$100,000
- Elizabeth Simmons (CA): \$100,000

## Parental Notification is at Risk

In 2012, Montanans voted 70% to 30% to require parental notification 48 hours before an abortion for girls under 16—the only remaining law in Montana ensuring parents are informed. CI-128 would abolish this law, just as the Montana Supreme Court struck down a parental consent requirement this August.

## Undefined Terms Create Bad Laws

### ***"Fetal viability"***

What specific criteria determine "fetal viability"? How many weeks? What medical standards are applied? How do they affect the timing of when viability is determined?

### ***"Healthcare Professional"***

Who, in the many healthcare professions, has the legal authority to determine matters like fetal viability, medical necessity, and the protection of the pregnant patient's life or health?

### ***"Life or health of the pregnant patient"***

What is included in "health"? Is this limited to physical health? Does it include mental and emotional health?

### ***"Burdened" and "Burden"***

Does a burden include any inconvenience or delay? Does burden include any common-sense regulation to protect a pregnant girl or unborn baby?

### ***"Autonomous decision making"***

How is "autonomous decision making" understood, and what legal or medical standards support this autonomy?

### ***"Voluntary consent"***

What is the definition of "voluntary consent," especially in cases involving minors or vulnerable individuals?

### ***"Bona fide health risk"***

What is considered a "bona fide health risk," and what standards support the definition? Who has the authority to define bona fide health risk?