

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?