

PRE-VIABILITY ABORTION BANS

Women across the U.S. face a growing health crisis because of sham laws and discriminatory policies designed to block access to the full range of essential reproductive health care—including family planning services, contraception, and safe, legal abortion care. Rather than contribute to this crisis by banning abortion care, Congress must advance real measures that respect women's dignity and right to makes decisions based on their personal circumstances and that protect their constitutional rights.

Abortion Bans Place Women at Risk by Ignoring Individual Circumstances and Health Needs

While the vast majority of abortions occur in the early weeks of pregnancy, each woman's circumstances and needs are unique. The ability to make personal, private, and often complicated decisions about our health and our families is fundamental to our dignity and well-being. Our families are too important to put them at risk. Restrictions that prevent women from getting the care they need can jeopardize their health, their future, and their lives.

Oppose H.R. 36

H.R. 36 would ban virtually all abortions after 20 weeks post-fertilization, regardless of whether the pregnancy would harm the woman's health or the fetus has severe abnormalities that would make survival unlikely or impossible. The bill also threatens doctors with a harsh penalty of up to five years in prison.

Politicians Shouldn't Interfere With Personal Medical Decisions

When a woman experiences a complicated life situation, she needs support and care from those she trusts—not interference from politicians who presume to know better. Abortion bans seek to deny women the dignity of making their own decisions by placing these personal, private matters in the hands of politicians. Politicians are not medical experts and this is not an area where they should be meddling. Politicians who truly care about pregnant women's health and well-being should focus on policies and laws that advance healthy pregnancies and address the very serious and real needs of women who seek later abortion services. Women should be able to make decisions that are right for themselves and their families, not be forced to navigate a dangerous obstacle course that some politicians are trying to put between patients and safe abortion care.

Pre-Viability Abortion Bans Are Blatantly Unconstitutional

Pre-viability abortion bans are cruel and dangerous assaults on women's constitutional rights. Over 40 years ago, the Supreme Court's decision in *Roe v. Wade* recognized a woman's constitutional right to decide for herself whether to continue or end a pregnancy prior to viability. A majority of Americans—7 in 10—supports upholding *Roe*. Plain and simple, laws that ban abortion prior to viability are unconstitutional. In fact, every time a court has considered the constitutionality of a 20 week ban, it has been blocked.

What H.R. 36 Does

H.R. 36 is an unconstitutional nationwide ban of abortion at 20 weeks post-fertilization, except in cases of life endangerment, rape, or incest. The bill contains no exceptions for dangers to the woman's health. It requires adult rape survivors to receive and document medical care or counseling related to the rape at least 48 hours prior to receiving the abortion somewhere other than a clinic that provides abortion, creating a cruel and unnecessary 2-day waiting period. Minors who are rape and incest survivors are required to report the assaults to law enforcement or child protective services. Additionally, physicians must comply with arduous new reporting requirements that include an informed consent process that is inaccurate and conflicts with established medical protocol. Furthermore, the clinic or hospital must have a second physician trained in neonatal resuscitation present at the procedure if determined the fetus could survive. In the 114th Congress, H.R. 36 passed the House but failed a vote for cloture in the Senate.

Recommended Talking Points

- **Across the U.S., women who have made the decision to end a pregnancy face a catch-22:** restrictions, bans, and red tape make it nearly impossible in some places to get safe, legal abortion care earlier in pregnancy and illegal to get it later.
- **Every pregnant woman faces her own unique circumstances,** challenges, and potential complications, and must be able to make her own decisions, in consultation with those she trusts, based on what's right for her and her family.
- **We must advance measures that reduce the difficulties that women currently face in accessing reproductive health services,** including comprehensive sex education, affordable contraception, and safe, legal abortion care early in pregnancy—including compassionate, common-sense legislation like the Women's Health Protection Act.
- **Politicians are not medical professionals.** Women, not politicians, should make important medical decisions about their health. Every pregnancy is different, and this one-size-fits-all approach by legislators jeopardizes women's lives by ignoring personal circumstances.
- **The 20-week ban is dangerous.** A 20-week ban would force a woman facing medical complications to wait until her condition becomes life-threatening, placing her at severe risk of death. It would also force a woman to carry a pregnancy to term even if the fetus has severe anomalies and little to no chance of survival.
- **The bill would force providers to violate their medical ethics.** The ban would prevent providers from administering critical treatments and require them to deny crucial medical treatment from a woman until her health crisis becomes life-threatening. This extreme policy callously endangers women's lives and forces providers to violate their professional principles by withholding vital care.