



612 W. Main Street, #200
Madison, WI 53703

Phone: (608) 256-0827
www.lwwwi.org



STATEMENT ON AB382 and SB384 **BORN-ALIVE SURVIVORS PROTECTION ACT**

This bill requires health care providers to give the same care to a child born through a failed abortion that they would give to a child born naturally or by c-section. This bill ensures that doctors and healthcare staff who intentionally kill these children or refrain from giving life-saving care are charged with a felony equal to first-degree intentional homicide. A woman upon whom an abortion was performed or attempted may bring a claim for damages, including damages for personal injury and emotional and psychological distress against any person who violates or attempts to violate the requirements of this bill.

Twice this bill has passed in the state legislature and twice Governor Evers has vetoed it. The League of Women Voters of Wisconsin opposed this bill before and opposes it again as contrary to its position on a woman's right to privacy in her reproductive choices.

This bill includes the definition of "born alive" (live birth) in Sec. 990.01(19) and is defined as the complete expulsion or extraction from his or her mother, of a human being, at any stage of development, who, after the expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord, of definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut and whether the expulsion or extraction occurs as a result of natural or induced labor a cesarean section or an abortion.

Given that the determination of a "live birth" is to be made irrespective of the duration of the pregnancy, such a difficult decision must be left to the medical expertise of the health care provider. In fact, the Wisconsin section of the American College of Obstetricians and Gynecologists, Planned Parenthood of Wisconsin and Wisconsin Coalition against Sexual Assault are among several groups that have registered their official opposition to the plan, explaining that this bill is unnecessary because health care providers are ethically bound to attempt to keep babies alive in the rare circumstance they are born alive after an attempted abortion.

Finally, the restrictions of this bill do not adhere to just the health care provider but to any employee of a hospital, physician's office or clinic and subjects everyone who is in a facility and is aware of the abortion could be charged with a felony with a penalty of a fine not to exceed \$10,000, imprisonment not to exceed six years or both. This bill is overly broad and risks penalizing individuals unrelated to the procedure.

The League of Women Voters of Wisconsin's opposition to this bill is based on its firm position of a woman's constitutional right of privacy to make reproductive choices.