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Re: Opposition to SB343 and AB357, Redefining Abortion and delineating circumstances of life-saving medical procedures that are not to be considered an abortion (amending Wis. Stat. 253.10(2) and Wis. Stat. 940.04)

The members of the legislative committee of the League of Women Voters of Wisconsin (LWVWI) have given careful consideration to Senate Bill 343 and AB357 in view of our positions stated here:

The LWVWI supports the right to privacy in reproductive choices and the right to protect the constitutional right of privacy of the individual to make reproductive choices.

The League opposes bills which have sought to define the fetus as an “unborn child” in order to establish a legal status for a fetus. The League is also opposed to bills that create penalties for intended or unintended injury or death to an “unborn” child.

LWVWI is opposed to these bills for the following reasons:

1. According to The American College of Obstetricians and Gynecologists (ACOG) Wisconsin Section, legislative interference in the practice of medicine is “incredibly dangerous” because it is not feasible to create an inclusive list of conditions that qualify as “medical emergencies.” These bills provide that a “therapeutic abortion” includes a physician’s performance of a medical procedure or treatment designed or intended to prevent the death of a pregnant woman and not designed or intended to kill the ‘unborn child.’ The bills list the following procedures: an early induction or cesarean section, the removal of a miscarriage or an ectopic, anembryonic or molar pregnancy which results in injury to or death of the ‘unborn child.’ Of concern here is that the legislature a limited list of procedures that are not defined as abortions but in fact, a patient might experience a combination of medical conditions or symptoms or unique medical situations that, together, become life-threatening but are not included in the list of these bills and thus could result in a penalty of a felony against a physician. Such legislative interference in the practice of medicine is unwarranted.
2. The ACOG states that distinguishing what does and does not classify as a felony will almost certainly result in refusal and denial of appropriate medical care and does not

center on a clinician's ability to make and act upon unique medical situations. These bills come with a penalty of a felony if certain statutory conditions are not met, namely, the physician must deem the patient's condition as "necessary" or be advised by two other physicians that the situation is "necessary" to save the life of the mother and further, unless an emergency prevents, the procedure is to be performed in a licensed maternity hospital. The ACOG states that "conflicting abortion care services with murder stigmatizes lifesaving health care and defames physicians who provide critical care and attacks people who are already suffering the loss of a wanted pregnancy." These decisions belong between a patient and her physician—period.

3. These bills are part of a broader comprehensive legislative package, entitled "Embrace Them Both, that aims to protect the sanctity of life in all its forms based on the premise that a child's life begins at conception. As such, SB 343 and AB 357 are ideologically driven and use non-medically inappropriate language to codify restrictions on patients being able to access needed abortion care.

In conclusion, LWVWI wants to be able to support a revised bill which supports physicians who in their expertise define a medical emergency of a pregnant woman according to the best currently available medical evidence and the physician's professional medical judgment without legislative interference in its limited definition of a therapeutic abortion and without fear of the penalty of a felony.