

UNBORN CHILD PAIN

AWARENESS ACT (S.51)

BILL SUMMARY

The Unborn Child Pain Awareness Act (UCPAA) would serve to increase awareness about the development of and pain experienced by the unborn child in his or her mother's womb.

The Partial-Birth Abortion Ban trials have served to draw attention to medical and scientific facts regarding the humanity of the unborn child, bringing to life the severity of pain experienced by the young human. An April 7, 2004 *Associated Press* news article covering the trials highlights this:

A type of abortion banned under a new federal law would cause 'severe and excruciating' pain to 20-week-old fetuses, a medical expert testified yesterday ... 'I believe the fetus is conscious,' said Dr. Kanwaljeet 'Sonny' Anand, a pediatrician at the University of Arkansas for Medical Sciences. ... Anand said yesterday that fetuses show increased heart rate, blood flow, and hormone levels in response to pain. 'The physiological responses have been very clearly studied,' he said. 'The fetus cannot talk . . . so this is the best evidence we can get.'

The Unborn Child Pain Awareness Act serves to inform a woman—who is seeking an abortion 20 weeks after fertilization—of the development of the unborn child in her womb. The act does this by:

- 1) Requiring those who perform abortions on unborn children 20 weeks after fertilization to inform the woman seeking an abortion of the medical evidence that the unborn child feels pain—
 - a. through a verbal statement given by the abortion provider, and also
 - b. by providing a brochure—developed by the Department of Health and Human Services—that goes into more detail than the verbal statement on the medical evidence of pain experienced by an unborn child 20 weeks after fertilization.
- 2) Ensuring that the woman, if she chooses to continue with the abortion procedure after being given the medical information, has the option of choosing anesthesia for the child, so that the unborn child's pain is less severe.

This bill only affects those abortions that occur 20 weeks after fertilization. Nothing in the bill would deny that unborn children may experience pain prior to 20 weeks after fertilization, but a notable segment of the medical and scientific community agrees on the 20-week benchmark for pain.

Notably, the bill's findings section—in addition to containing medical and scientific facts—highlights the valid federal interest in reducing pain for sentient creatures. Several examples are cited—such as regulations on the use of laboratory animals and the slaughter of livestock—that demonstrate the government's interest in reducing pain experienced by sentient creatures.

The public strongly supports “laws requiring that women who are 20 weeks or more along in their pregnancy be given information about fetal pain before having an abortion” by a 77-16 percent margin, according to an April 15-17, 2004 Zogby poll.

Cosponsors of UCPAA included: Sens. Alexander, Allen, Bunning, Burns, Chambliss, Coburn, Coleman, Cornyn, Crapo, DeMint, DeWine, Dole, Ensign, Enzi, L. Graham, Grassley, Hagel, Hatch, Inhofe, Isakson, Kyl, Lott, Martinez, McConnell, Roberts, Santorum, Sessions, Shelby, Talent, Thune, Vitter, and Voinovich.

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