

January 22, 2015

Dear Member of the House of Representatives,

We, the undersigned medical and public health organizations, stand in strong opposition to H.R. 36, the so-called “Pain-Capable Unborn Child Protection Act,” sponsored by Representative Trent Franks (R-AZ) and Representative Marsha Blackburn (R-TN). Politicians are not doctors and should not interfere in personal, medical decisions.

If enacted, H.R. 36 would ban most abortions in the United States at 20 weeks after fertilization, clearly before viability. The bill threatens providers with fines and/or imprisonment for providing professional and compassionate care, and is intended to intimidate and discourage doctors from providing abortion care. This bill places health care providers in an untenable situation – when they are facing a complex, urgent medical situation, they must think about an unjust law instead of about how to protect the health and safety of their patients.

Politicians are not medical experts. H.R. 36 disregards the health issues and real life situations that women can face in pregnancy. Every woman faces her own unique circumstances, challenges, and potential complications. She needs to be able to make decisions based on her physician’s medical advice and what is right for her and her family.

H.R. 36 would force a doctor to deny an abortion to a woman who has determined that terminating a pregnancy is the right decision for her, including women carrying a pregnancy with severe and lethal anomalies that may not be diagnosed until after 20 weeks in pregnancy<sup>1</sup> and women with serious medical conditions brought on or exacerbated by pregnancy.<sup>2</sup> H.R. 36 contains no exception to preserve the health of the woman. Instead, it includes a vague life endangerment exception which exposes doctors to the threat of criminal prosecution, limiting their options for care that is often needed in complex, urgent medical situations.

Moreover, H.R. 36 would dictate how physicians should care for their patients based on inaccurate and unscientific claims. Conclusive research shows that contrary to the sponsors’ claims, the fetus doesn’t have the neurological structures needed to experience pain until significantly later in pregnancy.<sup>3</sup>

We strongly oppose governmental interference in the patient-provider relationship and criminalizing provision of care to women and their families. H.R. 36 jeopardizes the health of women in the U.S. by limiting access to safe and legal abortion and replaces personal decision-making by women and their doctors with political ideology. Our organizations urge you to oppose passage of H.R. 36.

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<sup>1</sup> These conditions can include anencephaly, renal agenesis, limb-body wall complex, neural tube defects such as encephalocele and severe hydrocephaly, limb-body wall complex, and severe heart defects.

<sup>2</sup> Such conditions can include pulmonary hypertension, Marfan’s syndrome, severe valvular heart disease, Eisenmenger’s syndrome, cyanotic heart defects, hormonally sensitive cancers, kidney disease, preterm premature rupture of membranes with sepsis, placenta previa, severe preeclampsia, HELLP syndrome, and ovarian hyperstimulation syndrome.

<sup>3</sup> Rigorous scientific reviews of the evidence on fetal pain in Journal of the American Medical Association (JAMA), Royal College of Obstetricians and Gynaecologists, and Journal of Maternal-Fetal and Neonatal Medicine concluded as recently as 2012 that fetal perception of pain is unlikely before the third trimester.

Sincerely,

American College of Nurse-Midwives  
American Congress of Obstetricians and Gynecologists  
American Medical Students Association  
American Medical Women's Association  
American Nurses Association  
American Psychological Association  
American Society for Reproductive Medicine  
Association of Reproductive Health Professionals  
Medical Students for Choice  
National Abortion Federation  
National Association of Nurse Practitioners in Women's Health  
National Family Planning and Reproductive Health Association  
National Physicians Alliance  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
Society for Maternal-Fetal Medicine  
Society of Family Planning