



SB 359/HB 602—Protecting Babies Who Are Born Alive

According to the Centers for Disease Control and Prevention, in the 12-year period from 2003-2014, at least 143 babies died after being born alive following a failed abortion.¹

In January 2019, newly elected Virginia Governor Ralph Northam, a pediatric neurologist, was asked about the failure of a bill that would have legalized abortion in his state even after labor had begun. He responded, “If a mother is in labor...the infant would be delivered. The infant would be kept comfortable. The infant would be resuscitated if that’s what the mother and the family desired. And then a discussion would ensue between the physicians and mother.”² The Governor, who supported the failed legislation, later denied that he was advocating for infanticide, particularly among infants with life-threatening deformities.

It is unconscionable to think that in America and in North Carolina today, legislation is needed to clarify that an infant human being who is born alive after a failed abortion is worthy of the same legal protection and care as “any other child born alive at the same gestational age.” Because it is necessary, however, SB 359 and HB 602 have been filed in the N.C. General Assembly, and similar legislation has been filed in the U.S. Congress.

SB 359 & HB 602 state the following:

“If an abortion results in the live birth of an infant, the infant is a legal person for all purposes under the laws of North Carolina and entitled to all the protections of such laws. Any infant born alive after an abortion or within a hospital, clinic, or other facility has the same claim to the protection of the law that would arise for any newborn....”



“Born alive,” is defined in the bill as “the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.”

These bills would require any health care practitioner present at the time the child is born alive to:

- 1) “Exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age.” and
- 2) “Following the exercise of skill, care, and diligence required under subdivision (1) of this section, ensure that the child born alive is immediately transported and admitted to a hospital.”

Failure to comply with the provisions above would subject the practitioner to possible criminal and civil penalties. Additionally, these bills would establish a new murder charge for any person who performs or attempts to perform “an overt act that kills a child born alive.”

SB 359 & HB 602 will prevent medical negligence and infanticide, and protect innocent human life.

— FOR THESE REASONS, NC FAMILY ASKS THAT YOU SUPPORT SB 359 & HB 602 —

¹ https://www.cdc.gov/nchs/health_policy/mortality-records-mentioning-termination-of-pregnancy.htm

² <https://www.cnn.com/2019/01/31/politics/ralph-northam-third-trimester-abortion/index.html>