

## Key Points on Pain-Capable Unborn Child Protection Act

- **Nationwide protection of pain-capable unborn babies.** The Pain-Capable Unborn Child Protection Act (H.R. 36, S. 1553) provides nationwide protection from abortion for unborn children who are capable of feeling pain, beginning at 20 weeks fetal age (or “22 weeks of pregnancy,” about the beginning of the sixth month).
- **“Torn limb from limb.”** Late abortions are performed using a variety of techniques, including a method in which the unborn child’s arms and legs are twisted off by brute manual force, using a long stainless steel clamping tool. “The fetus, in many cases, dies just as a human adult or [born] child would: It bleeds to death as it is torn limb from limb.” (Justice Kennedy’s dissent, *Stenberg v. Carhart*). A medical illustration of this common method (“D&E”) is posted here:  
<http://www.nrlc.org/abortion/pba/deabortiongraphic/> To view video of the graphic 2013 congressional testimony of former abortionist Dr. Anthony Levatino, demonstrating how this type of abortion is performed, go here:  
<https://www.youtube.com/watch?v=8szDctI9IXM&feature=youtu.be>
- **Science and medical practice confirm pain of unborn humans.** By 20 weeks after fertilization, all the physical structures necessary to experience pain have developed. Unborn children at 20 weeks fetal age react to painful stimuli, and their hormonal reactions consistent with pain can be measured. For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia. Neonatologist Dr. Colleen A. Malloy from Northwestern University testified before Congress that: “We resuscitate patients at this age and are able to witness their ex-utero growth and development. ... There is no reason to believe that a born infant would feel pain any differently than that same infant were he or she still in utero.” Extensive evidence that unborn children have the capacity to experience pain, at least by 20 weeks fetal age, is available on the NRLC website at: <http://www.nrlc.org/abortion/fetelpain/> and also here: <http://www.doctorsonfetelpain.com>
- **Polling demonstrates broad support.** In a nationwide poll of 1,623 registered voters in November 2014, The Quinnipiac University Poll found that 60% support the bill (described as “legislation that would ban virtually all abortions nationwide after 20 weeks of pregnancy, except in cases of rape and incest that are reported to authorities”), while only 33% were opposed. Women voters split 59-35% in support of such a law, while independent voters supported it by 56-36%. Other national polls have produced similar results.

- **Late abortions are not “rare.”** Based purely on published surveys, there are about 275 sites that provide abortions past the 20-week fetal age (22 weeks LMP) line contained in H.R. 36. But there are reasons to believe that such surveys under-estimate the prevalence of late abortions. There is growing evidence that they are far more common than most people want to believe. The notorious case of Kermit Gosnell in Pennsylvania, as well as a series of hidden-camera videos issued by the organization Live Action, provide evidence that a great deal of the late abortion iceberg is below the water. Some of the jurisdictions with the most liberal abortion policies have no reporting requirements -- for example, California, Maryland, and D.C. — or do not collect data on stage of pregnancy. Other jurisdictions have reporting requirements but don’t enforce them — the Grand Jury report on Gosnell said (page 171) that between 2000 and 2010, Gosnell reported only one second-trimester abortion to the state. Yet it appears (pp. 26-27, 88) that Gosnell probably performed thousands of second-trimester and third-trimester abortions during that decade. Multiple other practitioners who perform large volumes of late abortions have also failed to report or not been required to report.
- **States Act to Protect Pain-Capable Unborn Children.** Twelve states have passed laws protecting pain-capable unborn children, based on the Pain-Capable Unborn Child Protection Act model: Alabama, Arkansas, Georgia, Idaho, Kansas, Louisiana, Nebraska, North Dakota, Oklahoma, Texas, West Virginia, and Wisconsin. The Idaho law is enjoined. The Georgia law is partly enjoined, pending further litigation in state court. The Wisconsin law becomes effective February 21, 2016. The other laws are currently in effect.
- **Unborn babies at 20 weeks may experience pain more severely than an infant or adult.** For more information, see “The pain may be worse for unborn babies aborted at 20 weeks,” by Randall K. O’Bannon, Ph.D., at <http://nrlc.cc/12iicDW>

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