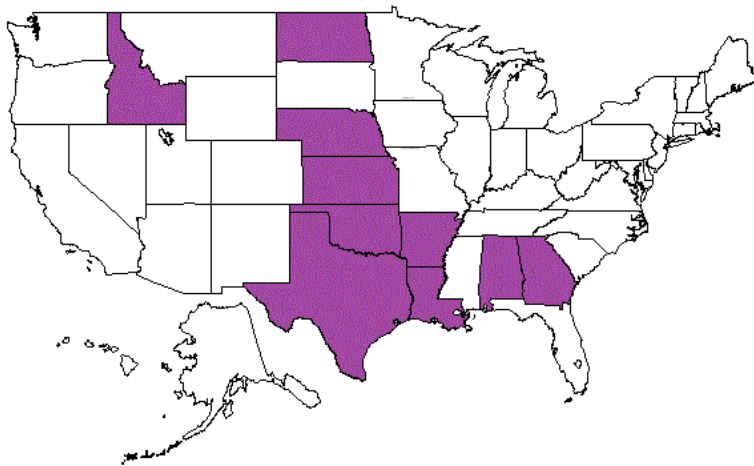


Pain-Capable Unborn Child Protection Act

Updated: August 29, 2013

The Pain-Capable Unborn Child Protection Act is legislation which protects from abortion unborn children who are capable of feeling pain. Substantial medical evidence demonstrates that unborn children are capable of experiencing pain certainly by 20 weeks after fertilization.



States that Protect Pain-Capable Unborn Children

- ✓ Nebraska
- ✓ Kansas
- ✓ *Idaho
- ✓ Oklahoma
- ✓ Alabama
- ✓ *Georgia
- ✓ Louisiana
- ✓ Arkansas
- ✓ North Dakota
- ✓ Texas

Key Points

- By 20 weeks after fertilization, all the physical structures necessary to experience pain have developed.
- Unborn children 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.
- Abortion methods are painful!

*These laws are currently enjoined, pending litigation.

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10 STATES WITH PAIN-CAPABLE UNBORN CHILD PROTECTION ACT LAWS:

State	Year Enacted	Elements of Law	Court Action
Alabama Code of Ala. §§ 26-23B-1 to 26-23B-9 (2013) See also reporting: Code of Ala. § 22-9A-13 (2013)	2011	Unborn pain findings, objective medical emergency, determination of age, protection clause, criminal & civil penalties, reporting.	None.
Arkansas To be codified as: A.C.A. §§ 20-16-1301 to 20-16-1310 (2013)	2013	Unborn pain findings, objective medical emergency, determination of age, protection clause, criminal & civil penalties, reporting.	None.
Georgia O.C.G.A. §§ 16-12-140 to 16-12-141 (2013) and O.C.G.A. TITLE 31 Chapter 9B; 31-9B-1 to 31-9B-3 (2012)	2012	Truncated unborn pain findings, objective medical emergency with expanded health exception to include pregnancies that are “medically futile,” determination of age, protection clause, civil & professional penalties, reporting.	Preliminary injunction issued <i>Lathrop, et al. v. Deal, et al.</i> No. CV224423, (Sup. Ct. of Fulton Cnty., Ga., Dec. 21, 2012).
Idaho Idaho Code Ann. §§18-501 to 18-510 (2011)	2011	Unborn pain findings, objective medical emergency, determination of age, protection clause, criminal & civil penalties, reporting, litigation defense fund.	Enjoined, appeal pending. <i>McCormack v. Hiedeman</i> , 900 F. Supp. 2d 1128 (D. Idaho 2013).
Kansas K.S.A. §§ 65-6722 to 65-6725 (2012) Reporting: K.S.A. § 65-445	2011	Unborn pain findings, objective medical emergency, determination of age, protection clause, criminal & civil penalties, reporting.	None.
Louisiana La. R.S. 40:1299.30.1 (2013)	2012	Unborn pain findings, objective medical emergency, determination of age,	None.

		protection clause, criminal & civil penalties.	
Nebraska R.R.S. Neb. §§ 28-3,102 to 28-3,111 (2011)	2010	Truncated unborn pain findings, objective medical emergency, determination of age, protection clause, criminal & civil penalties, reporting.	None.
North Dakota 2013 Bill Text ND S.B. 2368 Penalties: N.D. Cent. Code, § 14-02.1-11 (2013)	2013	Truncated unborn pain findings, objective medical emergency, determination of age, protection clause, criminal penalties, reporting.	None.
Oklahoma 63 Okl. St. § 1-745.1 to 1-745.11 (2013)	2011	Unborn pain findings, objective medical emergency, determination of age, protection clause, criminal & civil penalties, reporting.	None.
Texas to be codified as: Tex. Health & Safety Code §§ 171.041 to 171.048 (2013).	2013	Truncated unborn pain findings, objective medical emergency expanded to include unborn children with "severe fetal abnormality," determination of age, protection clause, limited reporting, administrative penalty.	None.

In 2012, the Arizona Legislature passed a 20-week (LPM) ban, the Woman's Health and Safety Act, based on the findings that late abortions are dangerous to mothers but also contained a finding that the unborn child feels pain. This law has been declared unconstitutional in *Isaacson v. Horne*, 2013 U.S. App. LEXIS 10187 (9th Cir. Ariz. May 21, 2013). An appeal is expected.