



Full Protections for the Unborn

Family Research Council recommends and supports legislation conferring full protections to the unborn because the state has an interest in protecting the life of society's most vulnerable: the unborn child.

On June 24, 2022, the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, the case that legalized abortion on demand in all 50 states in 1973, and its companion case, *Planned Parenthood v. Casey*. In the majority opinion, Justice Samuel Alito wrote, "We therefore hold that the Constitution does not confer a right to abortion. *Roe* and *Casey* must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives."

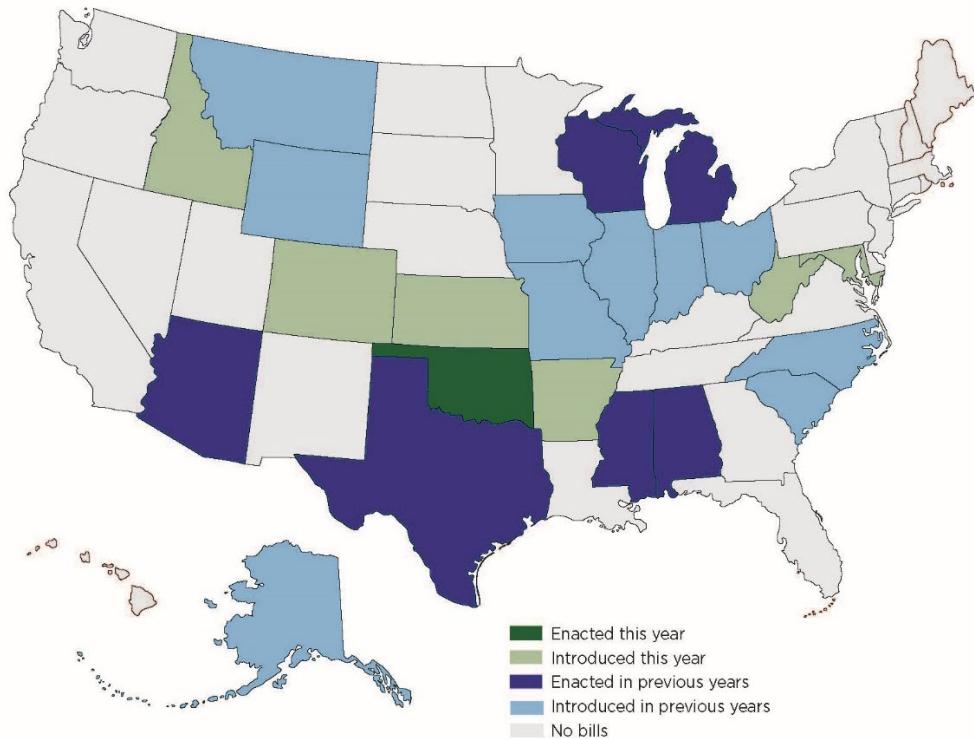
The overturning of *Roe* was a significant milestone in the pro-life movement, but the work to protect unborn children and support their mothers and fathers is far from over. The question of how to protect unborn children now returns to the people and their elected representatives. States with full protections on the books are fighting to keep them, while other states still lack strong protections for unborn life. In the past four years, eight states have embraced the opportunity to introduce legislation that establishes full protections for the unborn. In 2021, nine such bills were introduced in five states. At the time of the *Dobbs* decision, a total of 18 states had some sort of full protections law (or laws) on the books, whether it be a law that existed prior to *Roe*, a law that was enacted since *Roe* was decided, or a "trigger law" meant to go into effect when *Roe* was overturned. As of this writing, these measures are pending litigation in state courts.

Legislative Intent

Every human life possesses inherent dignity at the moment of fertilization. To determine a human's worth by any other criterion is a slippery ethical slope that could find other humans—even those outside of the womb—

unworthy of legal protections. With *Roe* overturned, it is time for states to protect innocent children in the womb and for our laws to confer to them the same protections that other humans enjoy.

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Key Provisions

- Provide legislative findings outlining the facts supporting the state's protection of unborn children.
 - Define an abortion to rightly exclude any action done with the intent of saving the physical life of the mother or the child. These actions are not abortions and should not be construed as such.
 - Define “serious health risk” to exclude psychological or emotional conditions.
 - Define unborn children as individual organisms of the species *Homo sapiens*, beginning at fertilization.
 - Protect unborn life at all stages.
 - Impose criminal penalties for noncompliance for those in the abortion industry.
 - Indemnify the mother (*i.e.*, absolve her of legal liability).
 - Create a cause of action, allowing the state to enforce the law.