

# **FAMILY ISSUES FACT SHEET**

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## **SB 1164 ABORTION; GESTATIONAL AGE: LIMIT**

To date, the U.S. Supreme Court has not upheld state laws regulating abortion prior to viability for the unborn child. Viability is the point at which the unborn child is able to survive outside the mother's womb. Although many falsely believe that viability is around 24 weeks gestational age, medical advancements have helped premature babies thrive after being born at just 22, or even 21 weeks.

Based on those medical advances and improved technology revealing the early development of an unborn baby, some states have challenged the boundaries of the Court's decisions in *Roe* and *Casey*. In 2018, Mississippi passed a law limiting abortions after 15 weeks gestation. Immediate legal challenges ultimately sent it to the U.S. Supreme Court. By June 30, the Court is expected to rule on whether the 15-week limit is constitutional in the case, *Dobbs v. Jackson Women's Health Organization*. The justices indicated in oral arguments this past December that they may abandon the viability rule and uphold the Mississippi law.

Life is a human right. Arizona has an important interest in protecting unborn life and the health and well-being of women in the state. SB 1164 protects developing unborn life and it advances women's physical and emotional health and well-being. It is also consistent with Arizona law requiring laws to be interpreted to value all human life.

If the Court upholds the Mississippi law in *Dobbs v. Jackson Women's Health Organization*, there are compelling reasons why Arizona should also impose such a restriction.

### **WHY A 15 WEEK LIMIT?**

1. Researchers have learned that unborn babies at 15 weeks gestation have fully developed hearts pumping 26 quarts of blood per day; fully formed noses, lips, eyelids and eyebrows; they can taste, make facial expressions, hiccup, swallow, and suck their thumbs. Science shows unborn babies at 15 weeks gestation feel pain.
2. The common method of abortion after 15 weeks is cruel, painful, and inhumane. Dilation and Evacuation (D&E) involves dismembering the unborn baby in the womb and taking it out in pieces.<sup>i</sup>

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3. Women are at much greater risk of death – a full 38% greater risk - when they get an abortion after eight weeks gestation.<sup>ii</sup>  
The physical and psychological risks increase exponentially with gestational age, making it riskier in the second trimester to get an abortion, than to carry the baby to term.<sup>iii</sup>  
Medical complications due to D&E abortions - the type of abortion usually performed at later stages - include infection, incomplete abortions, blood clots, hemorrhage, injury to the cervix, punctures or tears to the uterus, bladder or bowels. The psychological impact includes depression, anxiety, substance abuse and more.<sup>iv</sup>
4. Abortion laws in the U.S. are extreme. They rival human rights violators such as North Korea and China. Only a handful of countries allow late term abortion, and the lack of protection for the health and life of both the unborn and their mothers.
5. The pro-life community is prepared to meet the needs of babies and their mothers. According to the Susan B. Anthony List, a recent study found nearly 3,000 pregnancy resource centers served almost two million people in 2019, providing pregnancy tests, ultrasounds, STI tests, parenting classes, financial assistance, and more.
6. Polling shows that about three-quarters of Americans, a huge majority, want either:
  - abortion limited to the first trimester (25%)
  - abortion limited to rare situations, including to save the life of the mother (39%)
  - or abortion be entirely illegal (12%)<sup>v</sup>

## WHAT THE BILL PROHIBITS/REQUIRES

- Requires physicians to first determine the probable gestational age of the unborn baby and document it before performing an abortion. If the gestational age of the unborn baby is greater than 15 weeks, the abortion cannot be legally performed.
- The physician may perform an abortion after 15 weeks in the case of an emergency, but must follow a certain protocol and attest under oath that the abortion was performed for emergency reasons.
- Any physician who knowingly violates the law commits an act of unprofessional conduct, resulting in the loss or suspension of the physician's license to practice medicine and is guilty of a class 6 felony. Failing to report, or falsifying a report, can result in a \$10,000 fine.

## TALKING POINTS

- 1. Life is a human right. Arizona law requires state laws to be interpreted to value all human life. If the U.S. Supreme Court allows for limiting abortion to 15 weeks gestation, Arizona must act to protect life.**
- 2. Current abortion law is demonstrably unpopular. Only 13% support elective abortions in the last three months of pregnancy. A Marist poll found three-quarters (3/4) of Americans want abortion greatly limited or entirely illegal.<sup>vi</sup>**
- 3. The U.S. has some of the most extreme abortion laws in the world, sharing company with human rights violators such as North Korea and China. America is among only a handful of countries that allow late term abortion and lack protections for the health and life of both the unborn and their mothers. Arizona can distance itself from abortion extremists by limiting abortion to 15 weeks gestation.**
- 4. Science has advanced since *Roe*. It's time to humanize our laws based on science.**
- 5. Babies at 15 weeks gestation have fully formed noses, lips, eyelids and eyebrows, they suck their thumbs, and they feel pain. Their major organs have formed, including beating hearts pumping blood throughout their tiny bodies. It's time to protect these babies in the womb.**
- 6. Women are at much greater risk of medical complications when the baby is older than eight weeks gestational age. And the risks continue to increase as the baby grows.**

## CONCLUSION

Life is a human right. Arizona has an important interest in protecting unborn life and the health and well-being of women in the state. SB 1164 protects developing unborn life and advances women's physical and emotional health and well-being. It is also consistent with Arizona law requiring laws to be interpreted to value all human life.

If the U.S. Supreme Court upholds Mississippi's 15-week abortion ban, there are compelling reasons why Arizona should also impose such a restriction. They include the fact that unborn babies at 15 weeks are far along in development, even to the point of feeling pain. Further, abortion at later stages of pregnancy pose significant increased risks to the mother's health.

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<sup>i</sup> *Stenberg v. Carhart* (Thomas, J. dissenting), 530 U. S. \_\_\_\_ (2000), <https://www.law.cornell.edu/supct/pdf/99-830P.ZD3>.

<sup>ii</sup> Cassing Hammond, “Second-trimester pregnancy termination: Dilation and evacuation,” ed. Jody Steinauer, *UptoDate* <https://www.uptodate.com/contents/second-trimester-pregnancy-termination-dilation-and-evacuation/print> (last viewed January 2022).

<sup>iii</sup> Petition for writ of certiorari, *Dobbs v. Jackson Women’s Health Organization*, page 8. [https://www.supremecourt.gov/DocketPDF/19/19-1392/145658/20200615170733513\\_FINAL%20Petition.pdf](https://www.supremecourt.gov/DocketPDF/19/19-1392/145658/20200615170733513_FINAL%20Petition.pdf) (last viewed Jan 2022)

<sup>iv</sup> *Ibid*

<sup>v</sup> Roe in the Public Mind, National Review Nov 11. 2021

<https://www.nationalreview.com/magazine/2021/11/29/roe-in-the-public-mind/> (last viewed Jan 2022)

<sup>vi</sup> *Ibid*