

Kansas Family Voice Testimony in Support of H.B. 2313

Senate Health & Public Welfare Committee

March 24, 2023

Chair Gosage and members of the committee, my name is Brittany Jones. I am an attorney and the Director of Policy and Engagement for Kansas Family Voice. We represent thousands of members in Kansas who are concerned about the treatment who are born alive after a failed abortion.

Every year, children are born alive after failed abortions.<sup>1</sup> These children, many of whom are now adults, deserve to be recognized and deserve to be afforded the highest quality of care. We already have a law on the books that requires they receive some basic care, but these laws do not go far enough in outlining the care these babies should be receiving nor does it ensure that we are keeping records of these children's existence. Currently, our statutes only say, "If the child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child."<sup>2</sup>

There are some basic federal protections as well. In 2002, the "Born-Alive Infants Protection Act" passed Congress.<sup>3</sup> It defined a "person" as "every infant member of the species homo sapiens who is born alive at any stage of development. The act then defined "born alive" 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." This definition is almost completely identical to the definition provided in H.B. 2313. The Act provided definitions for the purposes of statutory and regulatory construction, but it mandated no real care for these children.

Neither the state or federal laws provide robust protection for these babies, nor do they explicitly lay out what kind of care the baby should receive like ensuring they are admitted to the hospital, or that appropriate records are taken. The numbers on just how many children are born alive following abortions is difficult to quantify because the abortion industry does not want to report on itself. That's why these types of laws are vitally important. There are countless stories of survivors of abortions all across the country.<sup>4</sup> H.B. 2313 will ensure that their stories are documented.

Just because these children were not intended by the abortionists to be born alive, it does not mean they do not deserve the legal protections and the medical care that we

<sup>1</sup> Charlotte Lozier Institute, Questions and Answers on Born-Alive Abortion Survivors, April 12, 2021, <https://lozierinstitute.org/questions-and-answers-on-born-alive-abortion-survivors/>.

<sup>2</sup> K.S.A. § 65-6709.

<sup>3</sup> H.R.2175, "Born-Alive Infants Protection Act" (2002).

<sup>4</sup> Abortion Survivors Network, <https://abortionsurvivors.org/>.

would afford to any other child. These children deserve to receive real medical care, not just comfort care or even worse, to die alone in utility closets. These children need to be admitted to a hospital. They deserve to receive the same care that any other baby would receive if they were born early or in need of medical care. They deserve to be treated as any other living child. Those refusing to give them care should be held responsible both by the state and by the child's family.

You don't have to agree with us on abortion to support this bill because this bill is not about abortion. This bill is about a child who has been delivered alive. This child deserves justice. They deserve more than just being set aside. They deserve true medical care and attention. At the very least, we should be able to agree on this.

That's why I ask that you pass H.B. 2313 favorably.

Thank you!