



## Born Alive Abortion Survivors Protection Act (S. 311) Talking Points

*Background: In 2002 Congress passed the Born Alive law which was designed to recognize a born-alive child as a person for purposes of federal law, regardless of viability. This bill does not require medical treatment for the child or impose penalties on doctors who allow this child to die.*

S. 311 would require healthcare practitioners to provide the same degree of care to a child born alive after an abortion as any other child born alive at the same gestational age. If a doctor violates this section or intentionally kills a child born alive they can be fined and imprisoned for up to five years. Mothers of infants born alive and then killed cannot be prosecuted, but they can pursue a civil suit against a doctor who violates this law.

- This bill also requires any infant born alive after an attempted abortion be immediately admitted to a hospital.
  - This is critically important because health care professionals who perform abortions should not be trusted to care for the child they were attempting to abort just minutes prior. Their goal is to make sure the child does not leave the abortion clinic alive.
  - These penalties were lacking from the 2002 bill which has resulted in the suffering of hundreds of children who were denied care only because they were destined for abortion.
- In light of extreme state abortion laws like New York's that erase all protections for born alive children, this protection is necessary on a Federal level.
- Born Alive is about stopping infanticide, not restricting or regulating abortion. We should all agree that once born, children deserve protection. This is a reflection on our humanity.
  - [Recent polling](#) shows that 83% of Americans, including 77% of pro-choice Americans, support protections for children born alive after an attempted abortion.
- The abortion industry says this never happens, but data from the CDC and [stories of abortion survivors](#) like Melissa Ohden, Josiah Presley and Claire Culwell say otherwise. Born-alive infants have been an issue since legalization of abortion and is referred to by the industry as "[the dreaded complication.](#)"
- A child once destined for abortion should not automatically be given a death sentence. If a child survives an attempted abortion, he or she should be offered the same standard of care as every other child born at that stage of development.