

# 20–Week Abortion Ban

## NFPRHA Opposes H.R. 36: A Federal 20–Week Abortion Ban

*Sponsored by Rep. Trent Franks (R–AZ), the “Pain–Capable Unborn Child Protection Act” would prohibit providers from performing abortions after 20 weeks gestation, except in the cases of rape, incest, or life endangerment. A federal 20–week ban is yet another ideologically–driven attempt to restrict access to abortion care and would interfere with a woman’s ability to seek a legal, safe medical service.*

### What Does the Bill Do?

H.R. 36 would:

- Ban abortions past 20 weeks gestation, or approximately 22 weeks since the patient’s last menstrual period (LMP). Fetuses are not viable at 20 weeks gestation.<sup>1</sup>
- Providers would be subject to criminal penalties, including fines and imprisonment, and civil suits.

### The Narrow Exceptions to the Bill

- H.R. 36 includes an exception for rape or incest. However, adults patients would have to receive medical care or counseling related to the rape at least 48 hours prior to the abortion at a facility that does not provide abortions. Minors would have to report the incest to police or social services.
- The bill would allow a provider to perform an abortion after 20 weeks if the procedure is necessary to save the life of a woman, and then only for *physical* disorders, illness, or injury. There is no exception for life endangerment caused by psychological conditions.

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- Only 1.3 percent of abortions are performed at 21 weeks LMP or later.<sup>2</sup> This bill would unfairly penalize women who are already in difficult situations.
- Women and minors should not be forced to report rape or incest in order to access safe and legal abortion services.
- The bill is unconstitutional. The US Supreme Court has held that a state cannot ban abortion before viability. The Court has also held that any restrictions on abortion, even after viability, must include an exception when the health of the woman is in danger. H.R. 36 includes no such exception.
- With such severe criminal penalties for providers, the bill would worsen an already significant chilling effect on the willingness of clinicians to perform abortions.
- According to peer–reviewed research in respected medical journals, fetuses cannot feel pain until at least 29 weeks LMP.<sup>3</sup>

### Endnotes

<sup>1</sup> American College of Obstetricians and Gynecologists. (2016). Obstetric Care Consensus: Perivable Birth. <http://www.acog.org/Resources-And-Publications/Obstetric-Care-Consensus-Series/Perivable-Birth>.

<sup>2</sup> Guttmacher Institute. (2016). Facts on Induced Abortion in the United States. <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states>.

<sup>3</sup> American Congress of Obstetricians and Gynecologists, “Open Letter to Texas Legislators: Get Out of Our Exam Rooms,” news release, July 9, 2013, [http://www.acog.org/About\\_ACOG/News\\_Room/News\\_Releases/2013/Open\\_Letter\\_to\\_Texas\\_Legislators](http://www.acog.org/About_ACOG/News_Room/News_Releases/2013/Open_Letter_to_Texas_Legislators).