

A Second State Follows Maryland's Lead With Disturbing Bill to Legalize Infanticide

We recently told you about a bill in the Maryland legislature that could legalize abortion until as many as 28 days after a baby is born. Now, California has proposed a similarly horrific bill that could likewise effectively legalize infanticide.

As many of you know from my previous blogs, innocent life is increasingly under attack in pro-abortion states, such as Maryland. We've detailed for you how the Maryland bills would restrict investigations into the deaths of newborns, and the efforts currently underway to make abortion a state constitutional right.

Now we are seeing these same efforts in California. There is a bill—Assembly Bill 2223, introduced by Assembly Member Buffy Wicks and coauthored by Assembly Member Kevin Mullin—that would amend, add and repeal several sections to the California Health and Safety Code. This bill states that “People ... need to end pregnancies by abortion, including self-managed abortion, which means ending one’s own pregnancy outside of the medical system.” The bill is attempting to change the law that currently requires coroners to “investigate certain abortions and pregnancy losses,” to instead prohibit a “coroner’s statements on a certificate of fetal death to establish, bring or support a criminal prosecution or civil cause of damages against *any* person.”

To be clear, that phrase “any person” does mean *any*. The text proposed in the bill reads: “This section shall not be used to

establish, bring or support a criminal prosecution or civil cause of action seeking damages against any person, *whether or not they were the person who was pregnant with the fetus.*”

The bill goes on to declare that “every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and *effectuate* decisions about *all matters* relating to pregnancy, including prenatal care, childbirth, postpartum care ... [and] abortion care”

While the bill purports to still limit abortion to pre-viability, unless the life or health of the mother is at stake, it adds a new section which states: “Notwithstanding *any other law*, a person shall not be subject to civil or criminal liability or penalty, or otherwise deprived of their rights, based on their *actions or omissions with respect to their pregnancy or actual, potential or alleged pregnancy outcome, including miscarriage, stillbirth or abortion or perinatal death.*” As you know from our discussion of the Maryland bills, the “perinatal” period covers roughly from 28 weeks of pregnancy to one to four weeks post birth. But in the context of state specific laws, this definition can vary. Regardless, it covers a period of time post-birth. Thus, this California bill is also restricting investigation and reporting of infant deaths and, just like in the Maryland bill, could effectively legalize infanticide.

Finally, like the Maryland bills, the California bill allows “[a] party aggrieved by conduct or regulation in violation of this article [to] bring a civil action against an offending state actor ...”

Now, you may be saying to yourself, “The sponsors of these bills must not know what ‘perinatal’ means. They can’t really be advocating for infanticide?”

I am here to tell you that they do know what it means, and

they are hoping that you don't.

Back in 2020, during the start of the COVID pandemic, 21 pro-abortion attorneys general exploited the pandemic to demand that the FDA expand access to chemical abortion pills. At the time, the FDA regulated abortion pills under its Risk Evaluation and Mitigation Strategy (REMS) program. One of the restrictions that pro-abortion advocates actively fought to have lifted was the in-person physician dispensing requirement. At the time, we fought against that effort, and asked the Trump Administration to keep the REMS restrictions in place. We pointed out that the abortion pill is dangerous—not only for the preborn child—but for women. Its use is not recommended past 10-weeks gestation, and it is especially unsafe if there is an ectopic pregnancy, which cannot be detected without an in-person visit to the doctor. Moreover, an ultrasound is necessary to determine the current stage of the pregnancy. As I wrote previously, even under the REMS program: “[T]he abortion pill does not work in safe or effective ways nearly 25 percent of the time that it is used. Complications from the administration of the pill include, but are not limited to, ruptured ectopic pregnancies, hemorrhage, infection and retained fetal or other tissue, which require surgery in as many as one-in-20 women.”

Regardless of these dangers, the pro-abortion advocates were successful. Shortly into the start of the Biden Administration, the FDA lifted the in-person dispensing requirement, allowing abortion pills to be delivered through the mail. Many pro-abortion states do not have state level regulations concerning chemical abortions, and the FDA's change in its REMS program ensured even greater access to chemical abortion via mail—with no in-person visit requirement to verify the actual stage of pregnancy.

Needless to say, the change in the REMS program has enhanced the danger to both women and preborn babies. Not only is there less oversight to prevent late-term abortions, but there is no

verification that women are requesting the abortion pills without coercion.

There are a host of other issues with both the change in the abortion pill REMS program and the Maryland and California bills that cannot be covered in this one article. And I want to be clear about the pro-abortion agenda.

When there is no in-person oversight of chemical abortions to verify the stage of pregnancy, there will be an increase in late-term chemical abortions. We already know that the abortion pills do not work in “safe or effective ways” one out of every four times, and that the pills are not recommended for use past 10-weeks gestation. The abortion industry and pro-abortion advocates also know this. The abortion lobby further knows and understands that an increase in late-term chemical abortions is going to lead to an increase in babies being born alive after failed abortions. And abortion advocates do not want those live births to be investigated or recorded. They also don’t want those babies to live.

Which is why the use of “perinatal” and the prohibition of investigation into the deaths of newborns is not an accident, an oversight or a misunderstanding. It is intentional, strategic and evil. It’s infanticide, and we need to stop it.

Here is what you can do to help.

In Maryland, the Senate Judicial Proceedings Committee is holding a hearing on H.B. 1171 which would codify *Roe v. Wade* and make it a state constitutional right. Call the senators on the committee and tell them you oppose House Bill 1171 and ask them to do the same. We are planning to submit our own testimony to the Senate committee.

Continue to let Senator William Smith know that you oppose Senate Bill 669, which would restrict investigations into the deaths of newborns.

Call Assembly members Kevin Mullin and Buffy Wicks in California, and let them know that you firmly oppose Assembly Bill 2223.

We will continue our work to expose these barbaric abortion bills, provide legal analysis and do everything else in our power to stop them. Fight with us. We need to win this war on life. {eo}

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