

Alabama Lawmakers Weigh Strict 'Fetal Heartbeat' Abortion Ban

Alabama lawmakers will debate four abortion measures on Tuesday, including a proposal that would ban the procedure after a fetal heartbeat is heard and almost guarantee a legal challenge from opponents if approved.

No other state has such a law in effect. Efforts by legislators in North Dakota and Arkansas to prohibit abortions after the detection of a heartbeat have been blocked by courts while lawsuits are pending.

The sponsor of the Alabama measure, Republican state Representative Mary Sue McClurkin, said it was needed to protect the lives of unborn children.

"If your heart is beating, that means you are alive," she said during a recent committee hearing.

Critics of the legislation say a fetal heartbeat can be detected as early as five or six weeks into a pregnancy, which is before many women even realize they are pregnant.

The proposed abortion restriction is "blatantly" unconstitutional, said Jennifer Dalven, director of the American Civil Liberties Union's Reproductive Freedom Project.

"It would be the most extreme law by far in the country," Dalven said in an interview.

The state House of Representatives also is considering a measure that would extend the waiting period for all abortions from 24 to 48 hours.

Another bill calls for at least a 48-hour wait for a woman who

learns her fetus has a lethal condition and will not survive outside of the womb. Under the proposal, she would be required to learn about perinatal hospice options.

She would have to sign a waiver testifying that she opted for the abortion over hospice care.

“This is a cruel bill,” said Nikema Williams, vice president of public policy for Planned Parenthood Southeast.

A fourth measure adds new requirements for pregnant minors seeking an abortion. In instances where a young woman seeks permission from a judge instead of a parent, the bill would allow parents to participate in the proceedings, even in cases where there may have been parental abuse, Dalven said.

The proposals follow a law passed in Alabama last year that requires abortion clinics to meet surgical center standards by March 24, a move that critics say threatens to shutter three of Alabama’s five remaining abortion clinics.

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