REPUBLICAN
WOMEN'S CAUCUS

Born-Alive Abortion Survivors Protection Act

Introduced by Rep. Ann Wagner, the ***Born-Alive Abortion Survivors Protection Act*** would require that a child born alive following an abortion or attempted abortion receive the same degree of medical care provided to any other child born at the same gestational age. The bill sets out specific duties for health care practitioners, requires prompt hospital admission and reporting of violations, and establishes consequences when those duties are not met.

The Problem

Federal law recognizes an infant born alive as a person, regardless of the circumstances of birth. But that recognition alone does not spell out what a health care practitioner present at the birth must do when a child survives an abortion or attempted abortion.

In a situation where every moment may matter, the standard of care should be clear. A child born alive should receive appropriate attention based on the child's medical needs and gestational age, just as any other newborn would. The ***Born-Alive Abortion Survivors Protection Act*** would establish that duty in federal law and provide a way to address failures to meet it.

What the Bill Does

- **Requires equal medical care.** A health care practitioner present when the child is born alive must use the same professional skill, care, and diligence to preserve the child's life and health that a reasonably diligent practitioner would provide to any other child born alive at the same gestational age.
- **Requires immediate hospital admission.** After providing that care, the practitioner must ensure the child is immediately transported and admitted to a hospital for further evaluation and treatment.
- **Requires reporting of violations.** A health care practitioner or specified facility employee who knows that the required care or hospital admission was not provided must immediately report the failure to an appropriate state or federal law enforcement agency.
- **Establishes penalties.** A violation of the care or reporting requirements may result in a fine, imprisonment for up to five years, or both. An intentional act that kills a child born alive is subject to the bill's separate criminal provision.
- **Protects the woman from prosecution under the bill.** The mother of a child born alive following an abortion or attempted abortion cannot be prosecuted under these provisions.
- **Provides a civil remedy.** If the requirements are violated, the woman on whom the abortion was performed or attempted may bring a civil action against the person responsible.

Why It Matters

Every child born alive deserves medical care guided by the same professional standard, regardless of the circumstances of birth. The ***Born-Alive Abortion Survivors Protection Act*** would make that expectation an explicit duty, require prompt access to hospital care, and ensure that known failures are reported. It also places responsibility on those who violate the requirements while protecting the woman from prosecution under the bill. At its heart, the legislation affirms that every newborn's life and health should be treated with care and dignity.

*For more information about the **Born-Alive Abortion Survivors Protection Act,** contact David Gans, Legislative Director for Congresswoman Ann Wagner at david.gans@mail.house.gov or (202)225-1621.*