

Born Alive Infant Protection Act (SB 9)

Why is this necessary?

- January 23, 2019: New York enacts legislation legalizing abortion until the moment of birth to a standing ovation. They continue the celebration by lighting the top of One World Trade Center pink.ⁱ
- January 30, 2019: Virginia's Democratic Gov. Ralph Northam when discussing a late-term abortion bill tells WTOG radio, "The infant would be delivered; the infant would be kept comfortable; the infant would be resuscitated if that's what the mother and the family desire, and then a discussion would ensue between the physicians and the mother." This comment brings the discussion on state-endorsed infanticide to the mainstream.ⁱⁱ
- January 31, 2019: Sen. Ben Sasse (R- NE) files the Born-Alive Abortion Survivors Protection Act (S. 311) in Congress requiring doctors to provide the proper degree of care to abortion survivors.ⁱⁱⁱ
- February 25, 2019: S. 311 is voted down 53 yeas– 44 nays.
- January 13, 2020: KY Sen. Whitney Westerfield (R- Crofton) files the Born-Alive Infant Protection Act (SB 9), a variation of Sen. Sasse's bill but applied at the state level.^{iv}
- February 25, 2020: S. 311 is voted down a second year in a row 56 yeas- 41 nays.
- April 15, 2020: SB 9 passes the KY House of Representatives. Sent to Gov. Beshear's desk. April 24, 2020: SB 9 is vetoed by Gov. Beshear.
- January 22, 2021: A refiled SB 9 becomes law without Gov. Beshear's signature after passing through the legislature.

The left's disregard of the unborn. This is contrary to the commonwealth's pro-life views and recent history of pro-life policies. Gov. Beshear has welcomed Planned Parenthood to perform abortions in Kentucky, and he vetoed every pro-life bill that passed in 2020. SB 9's recent passage ensures Kentucky will stand in the gap for the born babies who are at risk due to the reckless liberal policies on life.

What other states have enacted this legislation?

30 other states, including states surrounding Kentucky (Tennessee, Illinois, and Indiana) have enacted protections for infants that survive an abortion.^v

Have there been any major challenges?

There have been no legal challenges to the Born Alive Infant Protection Act in other states. Though, it has seen legislative pushback from the left. Kentucky's bill was vetoed in 2020 by Gov. Beshear but became law without his signature in 2021.

Does this act "restrict the reproductive rights of women?"

No. This bill requires doctors to provide the required level of medical care to an infant that has already survived an abortion.

Wasn't the federal Born Alive Infant Protection Act (2002) adequate?^{vi}

While federal law defines an infant as a person regardless of the circumstances of their birth, it does not sufficiently define the duty of care for these infants. This makes state law crucial as it addresses potential abortion survivors in Kentucky and the proper care they are to receive. Here are some examples of born alive abortion survivors in other states:

- Florida:^{vii} 11 infants survived an abortion in Florida, and six survived in 2018. Florida law includes protections for born-alive babies.
- Arizona:^{viii} 10 unborn babies were delivered alive following an abortion in 2017. Arizona law includes protections for born-alive infants.
- Minnesota: three babies were born alive following an abortion in 2017.^{ix} Minnesota law includes protections for born-alive infants.
- Oklahoma: reported in 2017 that at a minimum, one infant was born alive following an abortion.^x However fewer details are known because the information is “suppressed to maintain confidentiality.” Oklahoma law includes protections for born-alive infants.

New Provisions of the KY Born Alive Infant Protection Act (2021)^{xi}

- “Ensure the protection and promotion of the health and well-being of all infants born-alive in this Commonwealth; and mandate that healthcare providers give medically appropriate and reasonable life-saving and life-sustaining medical care and treatment to all born-alive infants.”^{xii}
- Require practitioners and hospital, physician’s office, and abortion clinic employees to report violations.
- Establish criminal penalties (fines and/or imprisonment) for failure to comply; and
- Bar prosecution of the parents of the child born alive and provide them with civil remedies to obtain relief against any person who committed the violation.

ⁱ <https://www.usatoday.com/story/opinion/2019/01/30/new-york-abortion-law-liberal-leaders-celebration-death-life-column/2670049002/>

ⁱⁱ <https://wtop.com/ask-the/2019/01/virginia-gov-northam-joins-wtop-live-jan-30/>

ⁱⁱⁱ <https://www.congress.gov/bill/116th-congress/senate-bill/311/all-actions>

^{iv} <https://apps.legislature.ky.gov/record/20rs/sb9.html>

^v <https://aul.org/wp-content/uploads/2019/04/Defending-Life-2019.pdf>

^{vi} <https://www.heritage.org/life/report/the-necessity-the-born-alive-abortion-survivors-protection-act>

^{vii} http://ahca.myflorida.com/MCHO/Central_Services/Training_Support/docs/ITOPLiveBirthsByCounty2017.pdf

^{viii} <https://azdhs.gov/documents/preparedness/public-health-statistics/abortions/2017-arizona-abortion-report.pdf>

^{ix} <http://www.health.state.mn.us/divs/chs/pubs/abrpt/docs/2017abrptr2.pdf>

^x <https://www.ok.gov/health2/documents/2017ITOPReport.pdf>

^{xi} <https://www.heritage.org/life/report/the-necessity-the-born-alive-abortion-survivors-protection-act>

^{xii} <https://apps.legislature.ky.gov/recorddocuments/bill/21RS/sb9/bill.pdf>