

HOUSE BILL 1 – TALKING POINTS

House Bill 1 is substantively identical¹ to an existing Missouri law, Mo. Rev. Stat. § 1.205.1, which the United States Supreme Court left standing in *Webster v. Reproductive Health Services*, 109 S.Ct. 3040 (1989).

What House Bill 1 Would Do:

- Express the consensus of the General Assembly that life begins at conception and that unborn children are endowed with fundamental rights.
- Allow a parent to assert a civil cause of action for the wrongful death of an unborn child. This was the effect of the equivalent Missouri law. Currently, Virginia is in the minority of states that do not allow this cause of action.
- Preclude the judiciary from defining “person” under Virginia law in a way that excludes some living human beings from the rights associated with legal personhood.
- Create a foundation upon which future abortion regulations might be based.

What House Bill 1 Would Not Do:

- The bill would not impose any restrictions whatsoever on the practice of abortion, oral contraception, etc. Those practices would continue to be governed by the specific statutes setting forth the circumstances under which abortion is legal.
- The bill is not intended to set up a challenge to *Roe v. Wade*. Its language was specifically chosen because it withstood Supreme Court review in *Webster* and was deemed by the Court to be unripe for judicial review since it did not purport to restrict abortion. The law has been interpreted and applied in Missouri for over 20 years and is still in effect.
- Section 6 is specifically designed to ensure that pregnant women do not become the subjects of prosecution for unintentional harms done to the unborn child, and Section 7 ensures that assisted conception practices (such as in vitro fertilization) are not affected.

How House Bill 1 is Different From “Personhood” Initiatives In Other States:

- Again, the bill was specifically designed to avoid a challenge to *Roe v. Wade* by using language that the United States Supreme Court has left standing in Missouri.
- The bill would have no practical effect on abortion law, oral contraception, etc.

¹ House Bill 1 differs from the Missouri statute only in that it uses the word “Commonwealth” in place of the word “state,” and that it includes a provision added by Del. David Albo during the committee hearings in 2011, which expressly provides that the law would have no effect on assisted conception practices (such as in vitro fertilization).