

PLEASE SUPPORT HB1 AND NOT SB674

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). Its constitutionality cannot be seriously questioned.

What HB1 Does:

- Express the consensus of the General Assembly that life begins at conception and that unborn children are endowed with fundamental rights.
- Allows a parent to assert a civil cause of action for the wrongful death of an unborn child from the moment of conception. 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.
- Creates a legal foundation upon which future abortion regulations might be based.
- Leaves unaffected Virginia's existing laws on abortion, contraception, etc. This is why the identical language in Missouri was left standing by the U.S. Supreme Court. That law has been in effect in Missouri for over 20 years without impacting those practices.

HB1 is Different From "Personhood" Initiatives:

- Unlike "personhood" initiatives, this bill was specifically designed to avoid a challenge to *Roe v. Wade* by using language that the U.S. Supreme Court has left standing in Missouri.
- The bill is a "rule of construction" that would not interfere with the operation of other, specific laws on abortion law, oral contraception, etc.

Why SB674 is NOT a Pro-Life Bill, But Rather a Pro-Lawyer Bill:

- While SB674 would create a civil cause of action for the wrongful death of a "fetus," it does not base this cause of action on the all-important principle that life begins at conception. It is important to the future efforts of the pro-life movement that Virginia law recognize the humanity of the unborn.
- Because SB674 would merely be a subsection of the wrongful death statute, it holds no potential to lay a principled foundation that could support future pro-life efforts.
- The passage of SB674 would significantly hinder the pro-life movement's ability to codify foundational pro-life principles by way of tried-and-true language, since the wrongful death cause of action HB1 would create would no longer be needed.
- By extending the wrongful death cause of action only to the death of a "fetus," it precludes recovery for the wrongful death of an unborn child prior to 12 weeks.
- SB674 also invites legal debate over whether the cause of action may be brought prior to the stage of "viability." The courts of different states have reached varying conclusions on this point. Virginia's pro-life movement will suffer if this concept of "viability" gains footing in our law.

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).