

Testimony in Support of House Bill 15-1112

My name is Thomas Perille. I am a father of three daughters, a physician and a researcher/educator who studies the ramifications of abortion in Colorado. I am here today to testify in support of HB 15-1112.

When a woman engages an abortionist to terminate pregnancy, they are guaranteed an end to their pregnancy but not necessarily guaranteed a dead fetus. It is hard to quantify the number of abortions that result in a living infant but the numbers are not trivial. One early official estimate from the CDC by its director, Dr. William Cates, in August 1981 was that 500 infants annually were born alive following an abortion attempt. He candidly stated that "live births are little known because organized medicine, from fear of public clamor and legal action treats them more as an embarrassment to be hushed up than a problem to be solved. It's like turning yourself in to the IRS for an audit". More recent estimates gleaned from the National Vital Statistics reports in 2010 place the number at 1270 annually under the category of "mortality subsequent to an abortion". Data from Canada suggest there have been 491 babies born alive who subsequently died after failed abortion between 2000 and 2009.

There are survivors. Melissa Ohden survived a saline abortion in 1977 and founded the Abortion Survivors Network. She has been in contact with over 160 survivors through this network. Gianna Jessen is a more recognizable survivor whose story was portrayed in the movie "October Baby" which was released in 2011. She has become an ardent spokeswoman for the pro-life movement.

There are ethicists and philosophers who have found no moral distinction between abortion and infanticide during the first few months. However, in the US, infanticide has always been considered abhorrent and a crime. The federal government passed the Born Alive Infants Protection Act with broad bi-partisan support in 2002. The Supreme Court, in *Gonzales v. Carhart*, affirmed the ability of the federal government to outlaw abortion practices that result in the partial delivery of a living fetus without exceptions for the gestational age, rape, incest, life, or health of the mother.

During the last 4 years reported, there have been on average 250 reported abortions in Colorado after the gestational age of 21 weeks. 21 weeks is the earliest gestational age in which fetuses have been known to survive. Terminations of pregnancy have occurred as late as 37 weeks gestation in Colorado based on published reports by the principal late term abortion provider in Colorado. Given the relatively high percentage of abortions done in the late second and third trimester, it would be surprising if some of the abortions in Colorado did not result in infants born alive.

The Boulder Abortion Clinic currently uses an intrafetal digoxin injection to kill the fetus prior to abortion which is performed 2-3 days later. While intrafetal injections of digoxin are usually the most effective feticide, the literature suggests a failure rate as high as 6.6% for digoxin overall (used intra-amniotic or intrafetal). One could anticipate that some of these failures would result in an extramural deliveries. Even using the very low extramural delivery rate cited by the University of Southern California following digoxin used as a feticide (0.3% of 4906 abortions between 18 and 24 weeks gestation), there would have been 3 infants born alive in Colorado between 2010 and 2013.

Whether you are pro-choice or pro-life, it is imperative that we protect the life of infants born alive whatever the intention of the mother or the abortion provider. How we meet the needs of these most

vulnerable new members of our society will be how our State will be judged. The bill is not suggesting that we spend needless healthcare dollars on prolonging the death of premature infants, but rather, that we offer prudent and customary medical care to those infants with clear signs of life and the potential to survive and thrive.

Submitted by:

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