

Testimony in Support of House Bill 15-1162

I am testifying as a concerned Coloradoan, long time physician, and father of three adult daughters.

I am in favor of House Bill 15-1162 because it is needed to prevent the most perverse abuse of our existing abortion laws. Abortion laws were liberalized by the 1973 Roe vs Wade decision. Whether you think that the decision was prudent or not, the court certainly did not envision sex selection as a motivation or justification for a women's right to terminate her pregnancy. Pointedly, Justice Blackman concluded that the right of personal privacy includes the abortion decision but that ***"this right is not unqualified and must be considered against important state interests and regulation"***. He went on to state that *"at some point the state interests as to protection of health, medical standards, and prenatal life become dominant"*.¹

What are the state interests vis-a-vis sex selection abortion? Colorado has historically been a champion of women's rights. Sex selection abortion is the most basic example of gender discrimination in the world today. It is the ultimate "disenfranchisement of females" and perpetuates a patriarchal world view.² It tacitly endorses a low social status for women and flies in the face of US governmental condemnation of sex selection abortion in China and India.

Some would argue that, while distasteful, a personal sex preference should not be the target of governmental intervention or curtailing a women's absolute right to make reproductive decisions in the US. However, studies have shown that this preference is overwhelmingly for male children. While this sex preference is most pronounced in the diaspora of east and southern Asian countries, this is not exclusively an Asian immigrant issue.³⁻⁴ What would appear to be an exercise in autonomy, when scrutinized more closely, is actually a subtle form of societal coercion that values male progeny over female progeny and pressures women to abort their healthy unborn females. Instead of enhancing a sense of control over one's reproductive health, the additional sex selection "choice" may in fact "serve to heighten a sense of powerlessness and reinforce the belief that the worth of females, and therefore herself, lies primarily in a capacity to bear sons".² Furthermore, the burden of making the "choice" to abort healthy unborn females has the potential to create psychological and emotional stresses that impact the health of these women.

What about the states' interest in medical standards? The American College of Obstetrics and Gynecology "opposes meeting requests for sex selection for personal or family reasons including family balancing".⁵ Furthermore, in a survey of 1800 Ob-Gyn physicians, 82% objected to sex selection abortions.⁶ Thus, the relevant "medical standard" would be to ban sex selection abortions.

While practically it may not be possible to eliminate sex selection abortion, banning the practice codifies a moral standard that most Coloradoans would embrace. Just as autonomy does not trump the state's right to enforce vaccination regulations or gun ownership restrictions, autonomy does not trump the state's legitimate interests in fighting against gender discrimination in the abortion process.

I urge all of you, whether you are pro-choice or pro-life, to support this important piece of legislation.

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References:

- 1) Roe v. Wade, 410 U.S. 116 (1973)
- 2) F. Moazam, Bioethics 2004; 18(3): 205-220
- 3) L. Vogel, CMAJ 2012; 184(3): 163-164
- 4) R. Sharp et al, Reproductive BioMedicine 2010; 21: 838-847
- 5) Obstet Gyn 2007; 109: 475-478
- 6) L. Harris et al., Obstet Gynecol 2011; 118(4): 905-912.