



**TESTIMONY OF MICHAEL J. NORTON
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Regarding House Bill 15-1112 Concerning the Adoption of
“Women’s Health Protection Act”

March 3, 2015

My name is Michael J. Norton. I am an attorney with Alliance Defending Freedom (ADF), an alliance-building, non-profit legal organization that promotes religious liberty and marriage and the family.

Most of my work with ADF is to advocate for the right of people to freely live out their faith and to promote the sanctity of human life – from conception to natural death. I am currently involved in a number of lawsuits in federal and state courts concerning religious liberties and the conscience rights of private business owners and religious organizations to be free from being required by the government to violate their sincerely held religious beliefs by providing contraceptives and abortifacients as part of their employee health insurance plans. I am also involved in several lawsuits which seek to recover taxpayer dollars from Planned Parenthood affiliates for waste, abuse and potential fraud of taxpayer-provided health care funding.

I am privileged to testify today on behalf of Colorado Family Action (“CFA”). The mission of CFA is to advocate for laws and policies that will make Colorado a safe, prosperous and wholesome climate for families. CFA’s public policy

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decisions are based on the principles of life, marriage, parental authority, constitutional government, and religious liberty.

Colorado Family Action is honored to join with Charmaine Yoest and our ally Americans United for Life in supporting House Bill 15-1112 and in urging you to make this bill the law in Colorado. Doing so will mirror what Congress did with the passage, in 2002, of the federal Born Alive Infant Protection Act and what 26 of our sister states have done to protect babies that survive abortion procedures.

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In 1999, Nurse Jill Stanek discovered that Christ Hospital in Oak Lawn, Illinois, where she worked as a labor and delivery nurse, was leaving babies who survived induced labor abortions to die in the soiled utility room. She personally held one of these infants 45 minutes until he gasped his last breath. After going public, her story immediately grabbed the attention of legislators and media, which resulted in the introduction of the Illinois Born Alive Infants Protection Act.

On March 12, 2002, the federal Born Alive Infant Protection Act was passed by the U.S. House of Representatives by a resounding voice vote. Later, on June 19, 2002, it was approved by a 98-0 vote in the U.S. Senate. All Democrats were present for that vote, and all of them—including Senators Hillary Clinton, Ted Kennedy, Barbara Boxer, and John Kerry—voted in favor of the bill.

To date, twenty-six (26) of our sister states have enacted a state version of the Born Alive Infant Protection Act. Most recently, Florida's legislature overwhelmingly passed similar legislation; the bill was signed into law in June of 2013.

Colorado Family Action finds all abortion to be abhorrent. But nothing is more abhorrent than the procedure of killing those babies who survive an abortion and are born alive.

The horrific conditions of abortionist Kermit Gosnell's West Philadelphia, PA abortion clinic, which, like Colorado's abortion facilities, was virtually unregulated and had not been inspected since 1993,

What federal agents who raided Gosnell's West Philadelphia abortion clinic in February 2010 found was "deplorable and unsanitary" conditions including blood on the floors; parts of aborted children stored in jars; post-operative recovery areas that consisted solely of recliners; padlocked emergency exits; and broken and inoperable emergency equipment.

In May 2013, Gosnell was convicted of murdering three born-alive infants, killing an abortion patient, and committing hundreds of violations of Pennsylvania abortion laws. He is now serving a life term in prison.

HB 1112 would require that medically appropriate and reasonable attention be given to a child born alive during a failed abortion procedure. Currently in Colorado, if a child is born alive during an abortion, the abortion doctor is not required to provide any type of medical care to that infant.

HB 1112 would prohibit a person from denying or depriving an infant of nourishment with the intent to cause or allow the death of that infant and would require *medically appropriate and reasonable medical care or treatment* unless the medical care:

- Was not necessary to save the life of the infant;
- Presented a potential risk to the infant's life or health that outweighed the potential benefit of the medical care; or
- Was treatment that would do no more than temporarily prolong the act of dying when death is imminent.

In addition, abortionists would be prohibited from using a born-alive infant for any type of scientific research or other kind of experimentation unless it is necessary to protect or preserve the life and health of a born-alive infant.

Colorado Family Action urges you to vote for HB 1112.