



California ProLife Council and Right to Life Federation
500 Capitol Mall #2350
Sacramento, CA 95814 800-924-2490

AB 2223 Fact Sheet

- [AB 2223](#) would prohibit civil or criminal penalties against a woman, or anyone who helps her, in the event of “perinatal death due to a pregnancy-related cause.”
- “Perinatal death due to a pregnancy-related cause” is neither legally defined nor is it medically defined by the Centers for Disease Control. Therefore, it remains **vague** as to what types of deaths would be included in this grant of immunity.
- The CDC does define [pregnancy-related maternal death](#) as “the death of a woman during pregnancy or within *one year* of the end of pregnancy from *a pregnancy complication, a chain of events initiated by pregnancy, or the aggravation of an unrelated condition by the physiologic effects of pregnancy*. This is a very elastic definition.
- By applying this definition to the perinatal context, it is clear that newborns with life-threatening conditions are vulnerable to medical neglect.
 - Example A: A child born alive with injuries from a failed abortion attempt could die of those injuries if he is not given prompt medical attention. This would be a pregnancy-related (i.e. the abortion) cause of death. AB 2223 would prevent anyone responsible for that medical neglect from civil or criminal liability, in direct contradiction of Health and Safety Code Sec. 123435, which requires such babies receive medical treatment.
 - Example B: A child born with a life-threatening birth defect could die of that defect if not given proper medical attention. If that were to happen, under AB 2223, no one

would be held accountable, since the child died of a “pregnancy complication,” i.e. the birth defect.

- [“Pregnancy associated deaths”](#) are even more broadly defined to include maternal suicide and homicide of the mother by an intimate partner. If this definition were applied to the wording of AB 2223, then the bill could grant immunity for the killing of a newborn by the mother or her intimate partner, if that murder were somehow “associated” with the pregnancy.
- **CONCLUSION:** In its current form, the wording of AB 2223 regarding “perinatal deaths due to a pregnancy-related cause” is unconstitutionally vague and overbroad. Newborns are constitutional persons and are entitled to the Equal Protection of the laws. It is reckless for the legislature to grant immunity based on an undefined medical term.
- Therefore, the California ProLife Council OPPOSES AB 2223.

Sheila Green, Esq.
Legal Counsel