



California ProLife Council and Right to Life Federation

500 Capitol Mall #2350
Sacramento, CA 95814 800-924-2490

AB 2223 Fact Sheet

- Section 7 of [AB 2223](#) would prohibit civil or criminal penalties against a woman, or anyone who helps her, in the exercise of her “reproductive privacy,” in the event of “perinatal death due to causes that occurred in utero.”
- The language “perinatal death due to causes that occurred in utero” fails to adequately protect vulnerable newborns from 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. Since the abortion cause of death occurred in utero, AB 2223 would protect anyone responsible for that medical neglect from civil or criminal liability. Since the bill specifically grants immunity “[n]otwithstanding any other law,” it eviscerates the requirement of [Health and Safety Code Sec. 123435](#) that medical treatment be given to born alive infants.
 - 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 death resulted from a birth defect that arose in utero.
- The Section 7 grant of immunity for those who assist a woman’s abortion attempt would also allow the back-alley abortionist to go unpunished should the woman be harmed or killed by the procedure.

- Section 4 of the bill disallows the use of fetal death certificates in any civil or criminal cause of action. This places an additional obstacle in using the legal process to redress the wrongful deaths of vulnerable newborns, particularly those born prematurely or as the result of an abortion.
- Section 8 of the bill legalizes self-abortion, without regard to the method employed. Since the bill protects from prosecution anyone who aids a woman self-abort, it leaves no avenue of redress against someone who does so negligently, even if the woman is injured or dies as a result.
- Section 9 of the bill provides for civil penalties against any “state actor” who “denies a right protected by this article” or aids, etc., in that denial. This provision will place a chilling effect on any coroner or district attorney’s rightful attempt to investigate the suspicious death of a newborn infant, especially one born alive after a failed abortion attempt.
- CONCLUSION: In its current form, the wording of AB 2223 regarding “perinatal death due to causes that occurred in utero” is unconstitutionally overbroad. Newborns are constitutional persons and are entitled to Equal Protection of the laws under the Fourteenth Amendment. The bill endangers women also and fails to protect them from dangerous self-abortion methods and from abortionists who hurt or even kill them while performing an abortion. It discourages state actors from investigating suspicious deaths of newborn infants, in the proper exercise of their duties.
- Therefore, the California ProLife Council continues to oppose AB 2223.

Sheila Green, Esq.
Legal Counsel