

Testimony in support of HB 18-1120 Concerning the Prohibition of Dismemberment Abortions**Wendy J. Smith, Retired Nurse Practitioner**

Good afternoon, my name is Wendy Smith. I am a retired nurse practitioner. I have been an advocate for women and their health issues my entire career. I am here today in support of HB 18-1120. My goal is to present some of the scientific advances and facts surrounding fetal growth and development during the second trimester, weeks 13 through 27. I hope to provide information to assist you in your judgment as to whether dismemberment is an acceptable method for terminating a pregnancy.

In this abortion procedure, the limbs are torn from the trunk; the skull, thorax and pelvis are also crushed and removed. In 2000, Justice Kennedy in his dissenting opinion for the Supreme Court case *Stenberg v Carhart*, based on Dr. Carhart's own testimony, noted "The fetus, in many cases, dies just as a human adult or child would: it bleeds to death as it is torn limb from limb...the fetus can be alive at the beginning of the dismemberment process and can survive for a time while its limbs are being torn off."(1) In the 8 years since then, science has revealed so much more about the fetus, shedding further light on the truth of his statements.

In 1973 when the Supreme Court handed down its landmark decision in *Roe v Wade*. Ultrasounds were not readily available. It would be another 27 years before the human genome project was completed. Vast advances in technology such as ultrasound, micro-MRI technology, functional MRI, as well as the rapidly evolving landscape of genetic testing, enable us to evaluate human growth and development from the moment of conception (2).

I am highlighting a few facts about the growth and development during the 2nd trimester that are from American College of Obstetricians and Gynecologists (ACOG)(3) and from peer reviewed scientific journals. The list is by no means all-inclusive.

The heart beat can be detected on ultrasound as early as 5 weeks, early in the first trimester. The actual structure of the heart can be assessed as early as 10 weeks of gestation. (4)

The brain and spinal cord begin to form during the first 5-8 weeks. Research reported in the March 2017 demonstrated "adult-like pattern of skin innervation is established before the end of the first trimester..."(5)

During weeks 13-27

Arms, hands, fingers, feet and toes are fully formed.

The fetus can swallow and hear

Kidneys are functioning and producing urine.

The sucking reflex develops, the fetus may suck his or her thumb

The gallbladder begins to produce bile, which is needed to digest nutrients

Gender may be determined on ultrasound

General and Special Provisions of the Constitution of the State of New York
Article 1 - The Bill of Rights

Section 1. The legislative power shall be vested in the Senate and the Assembly, which shall be styled the Legislature of the State of New York. The Senate shall be composed of twenty-four members, and the Assembly of thirty-four members, to be chosen in the manner hereinafter provided. The members of the Senate shall be elected for a term of two years, and the members of the Assembly for a term of two years, and shall be eligible for re-election.

Section 2. The Legislature shall assemble annually on the first Monday in January, and shall continue its sessions until the adjournment thereof. The Legislature shall hold its sessions in the City of New York, but may, by a majority vote of the members present, adjourn to any other place within the State. The Legislature shall be organized on the first day of its session, and shall elect a Speaker of the Assembly and a President of the Senate.

Section 3. The Legislature shall have the sole and exclusive power of originating bills for raising revenue, and no bill for raising revenue shall be introduced in the Senate until it has first passed the Assembly. The Legislature shall have the sole and exclusive power of appropriating money, and no appropriation shall be made unless it is authorized by law.

Section 4. The Legislature shall have the sole and exclusive power of originating bills for the amendment of the Constitution, and no bill for the amendment of the Constitution shall be introduced in the Senate until it has first passed the Assembly. The Legislature shall have the sole and exclusive power of proposing amendments to the Constitution, and no amendment shall be proposed unless it is authorized by law.

Section 5. The Legislature shall have the sole and exclusive power of originating bills for the impeachment of judges, and no bill for the impeachment of judges shall be introduced in the Senate until it has first passed the Assembly. The Legislature shall have the sole and exclusive power of impeaching judges, and no impeachment shall be made unless it is authorized by law.

Section 6. The Legislature shall have the sole and exclusive power of originating bills for the impeachment of officers of the State, and no bill for the impeachment of officers of the State shall be introduced in the Senate until it has first passed the Assembly. The Legislature shall have the sole and exclusive power of impeaching officers of the State, and no impeachment shall be made unless it is authorized by law.

Section 7. The Legislature shall have the sole and exclusive power of originating bills for the impeachment of officers of the State, and no bill for the impeachment of officers of the State shall be introduced in the Senate until it has first passed the Assembly. The Legislature shall have the sole and exclusive power of impeaching officers of the State, and no impeachment shall be made unless it is authorized by law.

The brain is rapidly developing
Fingerprints can be seen
The lungs are fully formed but not yet functioning
The eyes open and close and sense light
The fetus kicks and stretches
The fetus can make grasping motions and responds to sound

Because of the nature of this abortion procedure, the most important measure of a complete abortion is the clinical assessment: where the abortionist identifies and ensures the major fetal body parts have been removed and accounted for (6). The arms and legs are human limbs, the blood in the container is human, the DNA is uniquely human, this is a fact – the baby's unique DNA signature is in every cell, and would have orchestrated growth and development from conception through childhood, teens and into adulthood - but instead will end up fragmented in a medical waste container.

Science cannot tell us it is wrong to take someone's life, however it can provide the information we need to understand that dismemberment is a violent, grotesque destruction of an innocent human life. I ask that you support HB 18-1120 *Concerning the Prohibition of Dismemberment Abortions*.

Thank you

Note: Dilation and evacuation (D&E) abortion, which involves the dismemberment and evacuation of the fetus, **is not the only option available, but one of two options for abortion during the second trimester**. The second option being a medical induction abortion.

References:

1. Messner, T. Federal Trial Court Strikes Down Texas Dismemberment Abortion Ban. Nov 2017. <https://lozierinstitute.org/federal-trial-court-strikes-down-texas-dismemberment-abortion-ban/>
2. Tsiaras, Alexander: Conception to birth visualized. TED Talk Nov. 2011 https://www.ted.com/talks/alexander_tsiaras_conception_to_birth_visualized
3. American College of Obstetricians and Gynecologists (ACOG). Prenatal Development: How Your Baby Grows During Pregnancy. <https://www.acog.org/Patients/FAQs/Prenatal-Development-How-Your-Baby-Grows-During-Pregnancy>
4. Copel, Joshua. Fetal cardiac abnormalities: screening, evaluation, and pregnancy management. Updated Sept 25, 2017.

<https://www.uptodate.com/contents/fetal-cardiac-abnormalities-screening-evaluation-and-pregnancy-management>

5. Belle, M. Tridimensional Visualization and Analysis of Early Human Development. *Cell*. March 2017
[www.cell.com/fulltext/S0092-8674\(17\)30287-8](http://www.cell.com/fulltext/S0092-8674(17)30287-8)
6. Hammond, C. Second-trimester pregnancy termination: Dilation and evacuation. Updated January 2018
https://www.uptodate.com/contents/second-trimester-pregnancy-termination-dilation-and-evacuation?search=second%20trimester%20pregnancy%20termination:%20dilatation%20and%20evacuation&source=search_result&selectedTitle=1~150&usage_type=default&display_rank=1

Additional recommended resource:

Video of D & E, second trimester abortion procedure by Dr. Anthony Levatino, a practicing OB/GYN physician,

https://www.abortionprocedures.com/?_hstc=61024563.b8fd9c98f088242cf1959a9d61b8922d.1499367081939.1509122779451.1519686660000.3&_hssc=61024563.7.1519686660000&_hsfp=3649379154

UpToDate is an evidence-based, physician-authored clinical decision support resource widely referenced and utilized in clinical settings across the US, including right here at the University of Colorado.

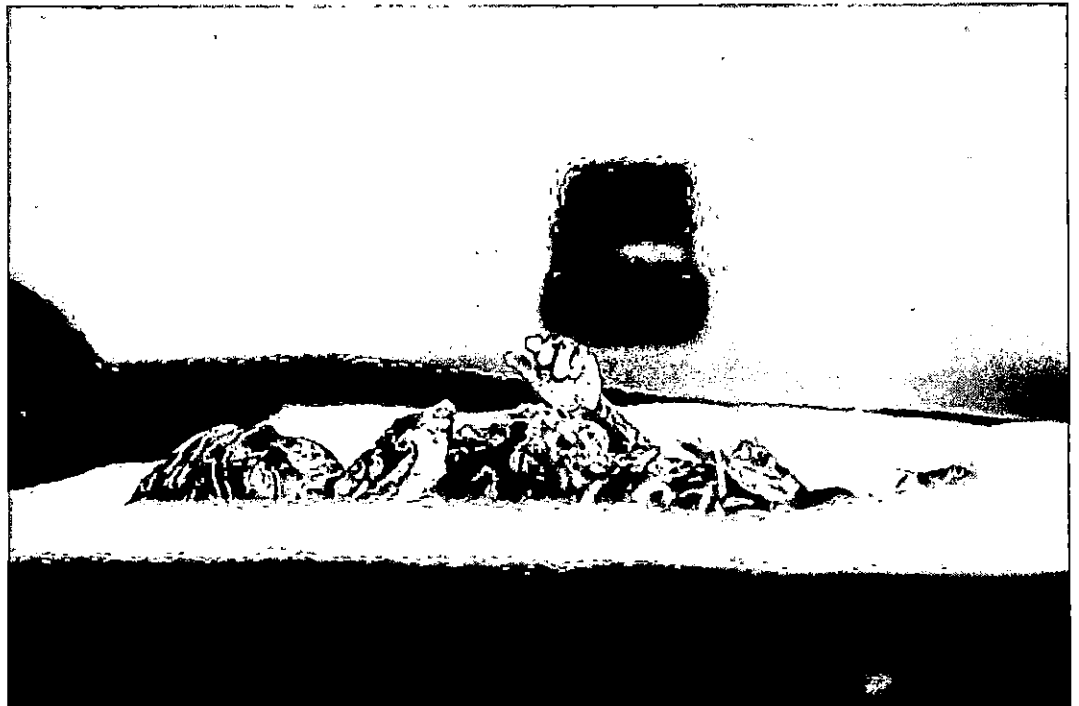
Photos courtesy of *Citizens for a Pro-Life Society*
(www.prolifesociety.com)



Aborted fetus at 12 weeks gestation



Hand of aborted fetus at 14 weeks (D & E procedure)



Aborted at approximately 24 weeks (D & E)



Foot of aborted fetus at 21 weeks (D&E)



Aborted at 24 weeks (D & E)



Aborted at 14 weeks gestation (D & E)