

**Testimony in qualified support of SB 20-077**

**How common is it for infants to be born alive during an abortion attempt?** It's hard to quantify the number of abortions that result in a living infant, but the numbers are not trivial. One early official estimate comes from the CDC and its director, Dr. William Cates. In an August 1981 article in the Philadelphia Inquirer he estimated that between 400 and 500 infants annually were born alive following an abortion attempt. He added that "live births are little known because organized medicine, from fear of public clamor and legal action, treats them more as an embarrassment to be hushed up than a problem to be solved. It's like turning yourself in to the IRS for an audit". More recently the CDC used ICD -10 codes (P96.4) to identify at least 143 babies born alive after an intended abortion procedure between 2003 and 2014. Information regarding infants surviving abortion can also be drawn from states that have already enacted Born Alive Legislation. Minnesota has reported 3 born alive infants in 2017 and again in 2018. Arizona reported 10 infants born alive in 2017 and 12 in 2018. Florida reported 8 in 2018. Data from Canada also corroborates the phenomenon with 491 babies born alive who subsequently died after failed abortion between 2000 and 2009.

**Are there survivors?** Melissa Ohden survived a saline abortion in 1977 and founded the Abortion Survivors Network. She has been in contact with over 260 survivors through this network. Gianna Jessen is a more recognizable survivor whose story was portrayed in the movie "October Baby" which was released in 2011.

**What about Colorado?** In the last reporting year (2018), 3.6% of abortions occurred after 21 weeks gestation in Colorado. This translates into 323 abortions. 21 weeks is the earliest gestational age in which fetuses have been known to survive. Terminations of pregnancy have occurred as late as 37 weeks gestation in Colorado based on published reports by the principal late abortion provider in Colorado. Given the relatively high percentage of abortions done in the late second and third trimester, it would be surprising if some of the abortions in Colorado did not result in infants born alive. We really can't know since there are currently no abortion clinic regulations or reporting requirements in Colorado.

**How could this happen?** Only 50% of abortionists consistently kill the fetus before performing a D&E or Induction abortion. This means that on the occasion when rapid labor is precipitated during cervical dilation and an infant can be born alive. The Boulder Abortion Clinic currently uses an intra-fetal digoxin injection to kill the fetus prior to abortion which is performed 2-3 days later. While intra-fetal injections of digoxin are usually the most effective feticide, the literature suggests a failure rate as high as 6.6% for digoxin overall (used intra-amniotic or intra-fetal). Furthermore, digoxin is known to induce labor. One could anticipate that some of these failures would result in an extramural deliveries and infants born alive.

Whether you are pro-choice or pro-life, it is imperative that we protect the life of infants born alive whatever the intention of the mother or the abortion provider. How we meet the needs of these most vulnerable new members of our society will be how our State will be judged. The bill is not suggesting that we spend needless healthcare dollars on prolonging the death of premature infants or infants with fatal fetal anomalies, but rather, that we offer prudent and customary medical care to those infants with clear signs of life and the potential to survive and thrive. The only modification I would suggest is to limit to the applicability to infants born alive after 21 weeks. Furthermore, abortionists should be certified to administer palliative care to infants born alive with no realistic chance for survival.