



Protecting Fetal Dignity

by Nicolas Reynolds

The abortion industry rakes in vast amounts of cash every year by carrying out abortions. This has always been their “M.O.” Their exploitation of fetal remains, on the other hand, is a lesser known practice that the general public has only become aware of within the past decade.

Though controversy surrounding fetal tissue and abortion has existed for years, in 2015, the Center for Medical Progress (CMP) released undercover videos that revealed how Planned Parenthood is profiting from harvesting and selling baby body parts. The conscience of the nation was shocked, and ever since, states have taken the initiative to end this abhorrent practice.

Harvesting and selling the body parts of aborted children for research purposes subsidizes the abortion industry. Furthermore, it incentivizes harmful practices such as late-term abortion, altering abortion methods for the sake of preserving the remains for sale, violating patient privacy, and possibly even killing some children born alive in order to harvest their organs.

To ensure fetal remains are given the respect they deserve and can no longer be wielded for profit, lawmakers have propagated protections for fetal remains, which include:

1. requiring abortion suppliers to bury or cremate unborn children after an abortion,
2. prohibiting the sale of (or, in some cases, prohibiting the profiting from) baby body parts, and
3. prohibiting the transfer of fetal remains.

In addition, some states pass stand-alone bills that recognize fetal dignity in one of two other ways:

1. providing death certificates for miscarried babies, or
2. providing income tax credit to parents for miscarried babies.

Although fetal dignity laws vary in their particulars, they all have the effect of promoting the dignity of the unborn.

Between 2015 and 2016, in the wake of the CMP videos' release, the number of states that introduced fetal dignity laws rose by 500 percent (5 to 26 states). Since that time, a total of **48 states** have introduced fetal dignity laws. A record-high seven states have already enacted such laws to date in 2021.

Of the over 240 fetal dignity bills that have been introduced since 2015, Alabama's Unborn Infants Dignity of Life Act (HB 45, 2016) stands out as one of the strongest. It contained four of the first six provisions listed above (the last two provisions have generally been run as standalone bills). In requiring the proper disposal of fetal remains, as well as prohibiting the sale, transfer, or use of fetal remains for research, Alabama HB 45 put commonsense regulations in place to bar the exploiting of fetal remains.

In addition to Alabama, **seven states** have enacted strong legislation:

- Arizona (SB 1474, 2016)
- Idaho (S 1196, 2017)
- Indiana (HB 1337, 2016)
- Louisiana (SB 128, 2017)
- Michigan (SB 564/565, 2016)
- South Dakota (SB 24, 2016)
- Wyoming (HB 116, 2017)

Like Alabama's bill, these seven prohibit the sale, transfer, or the use of fetal remains for research. They do not, however, mandate the proper disposal of fetal remains—the burial or cremation of fetal remains, a strengthening protection ensuring fetal remains are not discarded as mere medical waste. However, four of these seven states have enacted additional bills mandating the proper disposal of fetal remains:

- Arizona (HB 1457, 2021)
- Idaho (SB 1404, 2016)
- Indiana (SB 299, 2020)
- Louisiana (HB 618, 2020)

Four other states—Florida, Iowa, Tennessee, and Texas—have enacted legislation that only prohibits the sale and transfer of fetal tissue. However, Iowa’s (SF 359, 2018) only addresses the transfer of fetal tissue, whereas Tennessee’s (HB 2577, 2016) only addresses the sale of fetal tissue, while additionally mandating the proper disposal of fetal remains. Florida (HB 1411, 2016) and Texas (SB 8, 217) enacted legislation that prohibits both the sale and transfer of fetal tissue, although failing to address the final disposition of fetal remains. **Three additional states** have all passed measures solely mandating the proper disposal of fetal remains:

- Ohio (SB 27, 2021)
- Oklahoma (SB284, 2019)
- Utah (SB 67, 2020)

Another **six states** and the District of Columbia have enacted laws that take a different approach, ensuring that parents can receive death certificates in the tragic event of a miscarriage or stillbirth:

- California (AB 114, 2019)
- Delaware (SB 3, 2017)
- Florida (HB 101, 2017)
- Louisiana (HB 177, 2019)
- Nebraska (LB 1040, 2018)
- Tennessee (SB 1389, 2019)
- District of Columbia (B23-0529, 2020)

Interestingly enough, these unique pieces of legislation have consistently received bipartisan support, unifying both sides of the aisle. Similarly, **five other states** have enacted bills providing income tax credit to parents who have experienced the miscarriage or stillbirth of a child:

- Arkansas (HB 1457, 2021)
- Louisiana (HB 146, 2021)
- Michigan (HB 4522, 2018)
- Missouri (HB 2540, 2018)
- North Dakota (HB 1239, 2017)

Granting death certificates and/or tax benefits for miscarried children reinforces the principle that children in the womb possess the same human dignity and deserve the same level of respect as those outside the womb.

Although fetal dignity laws vary in their particulars, they all promote the dignity of the unborn. Following the release of undercover videos in 2015, the growing realization that stronger protections are necessary has motivated some lawmakers to make a difference, contributing to the enactment of 38 bills spanning 21 states and the District of Columbia. These laws move us one step closer toward honoring the unborn, who deserve to be treated with dignity and respect. With over 240 bills introduced since 2015, a record number of enactments this year, and some bills seeing bipartisan support, the fight for fetal dignity has never been stronger.

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