



The Pro-Life Heartbeat Bill

1. What will the Heartbeat Bill do?

The Heartbeat Bill will legally protect unborn children whose heartbeats can be detected by a doctor except to save the life or physical health of the mother. Simply put: “If a Heartbeat is detected, the baby is protected.”

1. **TEST** Requires physicians (according to standard medical practice) to determine whether the unborn child has a detectable heartbeat.
2. **INFORM** the mother the results of that determination.
3. **PROTECT** each unborn child with a detectable heartbeat, except to save the life or physical health of the mother.

2. Why Heartbeat?

While not the beginning of life, the heartbeat is the universally recognized indicator of life.

In frantic efforts to save a life, we often hear: "Can you find a pulse?" "Is their heart still beating?" That's because science has already shown us a way to determine if someone is alive. The Heartbeat Bill stops discrimination against the young and applies that same measurement to ALL human life, using common instruments already present in the offices of physicians everywhere.

Like other incremental bills, the Heartbeat Bill doesn't protect every child. That doesn't mean we approve of earlier abortions any more than voting for a post-viability bill suggests that we don't care about babies that fall just short of viability. But *viability* is merely a determination of our technology, our ability to sustain life outside the womb. *Viability* is a line that is far less concrete since it changes with the year and hospital in which a child is born.

3. When can a fetal heartbeat be detected?

While the unborn child's heart begins to beat at 18-21 days, our current technology can often detect the baby's beating heart between 6-12 weeks.

4. Is the mother liable in any way?

No. As a second victim of the abortion industry, the mother may not be prosecuted under the bill.

5. What if the mother is raped?

No other law allows for the killing of an innocent child for the crime of his or her father. None of us chose the manner in which we were conceived; it does not change our humanity. Pastor James Robison, whose LIFE Outreach organization helps feed over 500,000 children each week throughout Africa, was conceived through rape, as was Andrew Hoar. Andrew, who served our nation in Afghanistan on his 5th Middle East Deployment, was also conceived through rape.

While we oppose an amendment to kill children who, through no fault of their own, were conceived through rape or incest, an exception is completely unnecessary, even for those who want an exception. Because the Heartbeat Bill is an incremental bill, which protects from the point of a detectable heartbeat, abortions before that time, including those for rape and incest, are not prohibited.

In addition, it is in the best interest of a rape victim to be treated immediately-- to prevent a human life from being conceived and protect against sexually-transmitted diseases. A police report made immediately after an assault allows for the collection of critical evidence, making a conviction more likely and protecting other women.

6. Have Heartbeat Bills passed anywhere else?

Heartbeat Bills have been introduced in 17 states and passed in three—Arkansas, North Dakota, and Iowa.

7. What have the Courts said about Heartbeat Laws?

With the confirmation of Justice Kavanaugh, experts agree we now have the votes to uphold the HeartBeat Bill on the United States Supreme Court. Even more pro-life judges will likely be appointed to US Supreme Court in the next two years.

The Eighth Circuit Court stated they were unable to uphold the Arkansas and North Dakota Heartbeat Laws “[b]ecause United States Supreme Court precedent does not permit us to reach a contrary result.” However, the Eighth Circuit asked the Supreme Court to review it, stating that *heartbeat* is a more “consistent and certain marker than viability.”

“[T]his choice is better left to the states, which might find their interest in protecting unborn children better served by a more consistent and certain marker than viability.”

--Eighth Circuit Court of Appeals

The Supreme Court’s current standard permits legal protection of the unborn child when there is a likelihood of survival to live birth. But as Constitutional Law Professor David Forte states in his law review article, *Life, Heartbeat, Birth: A Medical Basis for Reform*, viability is based on an arbitrary guess. Dr. Forte explains that such a guess can be up to 90 percent wrong. On the other hand, an unborn child with a detectable heartbeat has a 98-99 percent likelihood of survival to live birth. Heartbeat is simply a better medical yardstick than viability, the Supreme Court’s current standard.

Georgia law professor Randy Beck, in his law review article, *The Essential Holding of Casey: Rethinking Viability*, not only questions the arbitrary notion of the viability standard, but reveals that members of the Supreme Court agreed:

“[L]egislatures may draw lines which appear arbitrary without the necessity of offering a justification. But courts may not. We must justify the lines we draw.”

--Justices O’Connor, Kennedy, and Souter (1992)

Furthermore, attorney Gregory J. Roden, in *Issues in Law & Medicine* (Spring 2010), noted a “shift” in *Gonzales v. Carhart*, which he said indicates “a Heartbeat approach will work.”

Roden explained that four decades of cases viewed the child in the womb as a “potential life.”

But in *Gonzales v. Carhart*, for the first time, the Supreme Court admitted as a finding of fact, that instead of a “potentially living” fetus, a “living fetus” is recognized from the time of a “detectable heartbeat.” Not only is that a finding of fact, it is an undisputed finding of fact. Even those in favor of legal abortion-on-demand agreed with this fact, now recognized for the first time since 1973, by the United States Supreme Court. The Heartbeat Law will present the opportunity for the Supreme Court to simply move the line of allowable protection from the arbitrary marker of viability to the “consistent and certain marker” of heartbeat—something which is no longer in conflict with Supreme Court abortion jurisprudence.

8. Do voters support the Heartbeat Bill?

Yes, 7 out of 10 support it! A 2017 George Barna poll* asked this question: “If a doctor is able to detect the heartbeat of an unborn baby, that baby should be legally protected.” Sixty-nine percent of Americans agreed, most of them “strongly.” Eighty-six percent of Republicans support the Heartbeat Bill, as do 61 percent of Independents and 55 percent of Democrat voters. **Survey of 1,002 adults, sampling error of +/- 3.1 percentage points, conducted January 19-27, 2017.*

Supporters of the Heartbeat Bill

♥ Dr. James Dobson, Founder of Focus on the Family
♥ Gary Bauer, President of American Values
♥ Speaker Newt Gingrich
♥ Governor Rick Perry
♥ Senator Rick Santorum
♥ Ken Blackwell, former Ohio Sec. of State
♥ Janet (Folger) Porter, President of Faith2Action
♥ Tom DeLay, former Majority Leader
♥ Chief Justice Roy Moore, Center for Moral Clarity
♥ Bob McEwen, former Congressman, Director CNP
♥ Brad Mattes, Life Issues Institute
♥ Josh Mandel, State Treasurer of Ohio
♥ Dr. Michelle Cretella, President of American College of Pediatricians
♥ Tony Perkins, President of Family Research Council
♥ Marjorie Dannenfelser, President of Susan B. Anthony List
♥ Tim Wildmon, President of American Family Association
♥ Father Frank Pavone, Priests for Life
♥ Governor Mike Huckabee
♥ Andrea Lafferty, President of Traditional Values Coalition
♥ Troy Newman, Operation Rescue
♥ Rev. Patrick Mahoney, Christian Defense Coalition
♥ National Black Pro-Life Coalition
♥ Lila Rose, President of Live Action
♥ Joe Scheidler, Pro-Life Action League
♥ Dr. Bo Kuhar, Pharmacists for Life
♥ Rebekah Gantner, Eagle Forum Education & Legal Defense Fund
♥ Phil Burrell, Past President of Citizens for Community Values
♥ Jill Stanek, Columnist & Speaker
♥ Samuel Rodriguez, Hispanic Christian Leadership Conference
♥ Rachelle Heidlebaugh, Witness Against Roe

♥ Rabbi Aryeh Spero, Caucus for America
♥ Barrett Duke, Southern Baptist Convention
♥ Dr. Rick Scarborough, Vision America
♥ Pastor Dutch Sheets, Author & Speaker
♥ Dick & Rich Bott, Bott Radio Network
♥ Bobby Schindler, Terri Schiavo Life & Hope Network
♥ James Robison, LIFE Outreach International, *Life Today*
♥ Anita Staver, President of Liberty Counsel
♥ William J. Murray, Religious Freedom Coalition
♥ Kristin Hawkins, President of Students for Life
♥ Joseph Farah, CEO of World Net Daily
♥ Dr. Jim Garlow, Chair Renewing American Leadership
♥ Pastor Rick Joyner, President of The Oak Initiative
♥ Linda Harvey, Mission America
♥ Randy Alcorn, Eternal Perspective Ministries
♥ Rev. Paul Blair, President of Reclaiming America for Christ
♥ Ted Baehr, Christian Film & Television Commission
♥ Brandi Swindoll, Stanton Policy Center
♥ Larry Cirignano, Children First Foundation
♥ Don Feder, World Congress of Families
♥ Phillip L. Jauregui, President of Judicial Action Group
♥ Abby Johnson, Author of *Unplanned*
♥ Lou Engle, The Call
♥ Dr. William Greene, President of RightMarch.com
♥ Ken Hutcherson, Pastor of Antioch Bible Church
♥ Bishop E. W. Jackson Sr., President of Stand America
♥ Dr. Joel Brind, Expert on Abortion-Breast Cancer Link
♥ Dr. Bill Owens & Dr. Deborah De Sousa Owens, Coalition of African-American Pastors

**Titles for Identification Purposes Only*