

Vote NO on Monforton's Constitutional Amendment - HB 425

Redefining Personhood

HB 425 defines fertilization as the beginning of life and grants constitutional rights to a fertilized egg equal to the rights of full Montana citizens. The immediate implications of this amendment for all Montana women of reproductive age are far-reaching and overwhelmingly negative.

- **HB 425 establishes constitutional rights for a fertilized egg, zygote, or fetus that are separate from the pregnant woman.** As long as *Roe v. Wade* is the law of the land, HB 425 would only affect women who want to carry their pregnancies to term. It places pregnant women into conflict with their pregnancies and grants constitutional rights at the time of fertilization. This would undermine medical decision-making for pregnant women and health care providers, which often must be done quickly and under terrific stress. **It would create great uncertainty regarding liability of health care providers who treat pregnant women – especially those women with high-risk pregnancies.**
- **HB 425 does not limit who could assert the rights of the fetus.** Currently, it is the pregnant woman that asserts those interests. Under this amendment, an estranged spouse, potential grandparents, child protective services or law enforcement could all be able to assert the rights of the fetus from the time of conception. In other states, based upon the state's perceived interest in fetal rights, **pregnant women have been prosecuted for miscarrying after engaging in various behaviors that the state or the women's doctors have objected to: such as physical exercise, sexual intercourse, giving birth at home, or taking prescription or illicit drugs or alcohol.** These state actions cause pregnant women to avoid physicians and prenatal care because they justifiably fear being reported to the authorities. The March of Dimes, the American Society of Reproductive Medicine, the American Medical Association and other medical associations object to these measures.
- **HB 425 establishes a state constitutional basis to entirely prohibit the use of contraception that prevents pregnancy by inhibiting implantation of a fertilized egg, such as birth control pills, IUDs, and emergency contraception.** It would also establish a state constitutional basis to prohibit the use of in vitro fertilization and stem cell research.
- **Montanans do not support divisive attacks on the right to privacy and attempts to ban abortion.** In 2008, 2010, and 2012 anti-choice extremists failed to qualify for the ballot an amendment to redefine when life begins. (These initiatives had nearly identical language to HB 425) In 2008 they fell over 22,000 signatures short of the requirement and only qualified in 16 of the required 40 legislative districts; in 2010 they fell nearly 13,000 signatures short of the requirement and only qualified in 23 of the required 40 house districts; and in 2012 they collected less than half the signatures needed to get this amendment on the ballot. In addition, similar amendments were introduced during the 2007, 2009, and 2011 Legislative Sessions and failed by bi-partisan opposition.
- **This is another example of government overreaching its control into the private lives of women.** Now is the time for legislators to be focused on increasing jobs and access to healthcare, not amending our constitution in a way that would put government in the doctor's office and put the lives of women at risk while undermining their ability to make private medical decisions.

Prepared by the Montana Reproductive Rights Coalition

PO Box 226
Helena, MT 59624

EXHIBIT

DATE

HB

25 30
2/16/15
425