

## **Background Information for Pro-Life Resolution Re: Passage of Prenatal NonDiscrimination Act (PreNDA)**

Because of a suspected disability, or even their race or gender, some unborn children are targeted by deadly discrimination in the womb. Unborn children who are diagnosed with fetal abnormalities or congenital disabilities are increasingly victimized under the “fourth exception” in Texas Pro-Life laws. Current Texas law does not protect these vulnerable children from abortion after 20 weeks (5 months into the pregnancy). Additionally, local hospital districts have authority to use taxpayer dollars to abort children with fetal abnormalities and disabilities. These exceptions in Texas law mark reprehensible discrimination against babies with disabilities who are never given a chance to thrive and overcome their disability. Texans with disabilities deserve more, not less, moral attention and legal protection.

If a child is diagnosed with a lethal fetal anomaly, abortion is not the solution. Perinatal palliative care and hospice services assist families of children born with terminal conditions by caring for both the child and the family coping with the diagnosis. Texas should expand the network and availability of these life-affirming medical options for unborn children with a suspected disability.

In 2014, the *New England Center for Investigative Reporting* (NECIR) released an alarming report on the widespread incidence of unregulated prenatal testing that results in misdiagnosing genetic diseases.<sup>1</sup> While the manufacturers of the test boast 99% accuracy, the company fails to clarify that such tests identify the presence of risk factors for genetic diseases, not an actual diagnosis. NECIR also told stories of regretted abortions and near abortions of healthy children before their parents sought further testing.

Texas is not immune from the widespread global trend of sex selective abortions. Furthermore, the Centers for Disease Control and Prevention (CDC) statistics show that elective abortions disproportionately affect African Americans, serving as the leading cause of death in the African-American community.<sup>2</sup>

Texas should join other states in passing legislation to protect unborn children from discriminatory abortions based on their race, sex, or suspected disability.

### **Solution:**

The Republican Party of Texas should add a plank to the 2018 Party Platform encouraging the Texas Legislature to pass a Pro-Life law prohibiting abortions for discriminatory reasons while removing anti-life exceptions in existing Texas Pro-Life laws for reasons of disability. This type of bill was filed in the 85<sup>th</sup> Session of the Legislature by Senator Kelly Hancock (R-Fort Worth) and Representative Matt Schaefer (R-Tyler) but was never scheduled for a committee hearing. PreNDA closes discriminatory loopholes in Texas law and provides life-affirming support, medical services, and information to women and families who receive such a diagnosis before birth.

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- Children with severe genetic abnormalities and congenital illnesses feel the pain of abortion.
- Studies estimate 92% of babies predicted to have Down syndrome are aborted in the womb.<sup>3</sup>
- Ten states have passed bans on abortions due to the gender of the unborn child: AZ, AR, IL, IN, KS, NC, ND, OK, PA, SD.
- Seven states have enacted restrictions on abortions due to disability of the unborn child and/or provide life-affirming social and perinatal palliative care services to expectant mothers: AZ, IN, KS, MN, MS, ND, OK.

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<sup>1</sup> <https://eye.necir.org/2014/12/13/prenatal-testing/>

<sup>2</sup> <http://www.blackgenocide.org/black.html>

<sup>3</sup> <http://www.brianskotko.com/documents/adcskotkofinalarticle.pdf>

## Resolution for Pro-Life PreNDA Legislation

**Whereas**, the 2016 Platform of the Republican Party of Texas asserts that “All innocent human life must be respected and safeguarded from fertilization to natural death” (Plank 88); and

**Whereas**, the 2016 Platform of the Republican Party of Texas asserts that the Party supports a legal “Prohibition of abortion for gender selection” (Plank 94); and

**Whereas**, Texas law currently contains numerous insidious loopholes that do not protect unborn children suspected to have a disability from Pro-Life policies (Section 170.002(b)(3), Health and Safety Code; Section 171.046(c), Health and Safety Code; and Section 285.202(a), Health and Safety Code); and

**Whereas**, leading peer-reviewed medical journals have criticized the widespread incidence of unregulated prenatal tests and misdiagnoses of disabilities and genetic anomalies that result in misleading medical guidance or recommendation to end the life of the unborn child; and

**Whereas**, the injustice of elective abortion is amplified when motivated by deadly and overt discrimination that seeks to take the life of a unborn child because of the child’s biological sex, race, or a suspected disability; and

**Whereas**, legislation has previously been filed in the Texas Legislature to prohibit elective abortions based on discriminatory judgments of the child’s suspected disability, gender, or race; and

**Whereas**, legislation has previously been filed in the Texas Legislature to provide families with information and referral to life-affirming social and medical services for the unborn child, mother, and family when facing such test results or diagnoses of an abnormality or disability;

**Therefore, be it resolved** that the Republican Party of \_\_\_\_\_ County calls on the Texas Legislature to pass legislation to close existing discriminatory loopholes that fail to protect unborn children suspected of having a “fetal anomaly” or disability and enact anti-discriminatory language to apply additional protections to unborn children aborted because of their sex, race, or disability in addition to providing families with information about life-affirming social and medical services available to them in Texas, such as perinatal palliative care.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the Precinct Convention of Precinct # \_\_\_\_\_ of the \_\_\_\_\_ County Republican Party of Texas.