

When is an abortion not an abortion?

Opposition to Senate Bill 282, a bill to revise abortion laws, has created this question. The definition of abortion is “the termination of a pregnancy with the fetus and associated products of conception removed from the womb.” When one researches the definition throughout all medical and legal reference dictionaries, this definition is universal.

It is important to point out that the definition of abortion does not include “the willful or intentional killing of the life of the fetus.” In most instances of abortion, the death of the fetus, an unborn child, is a tragic effect of the termination of the pregnancy. Due to the amazing advances in neonatal medicine, present throughout Montana, the ability of the fetus to survive outside the womb has significantly improved. When a child is born prematurely at 24 weeks gestation, over 60 percent of fetuses with appropriate medical support are able survive to become healthy Montanans. It is federal law that once a fetus leaves the womb and is capable of surviving, that fetus receives full rights as a person without exception. As a result of the federal personhood law, the standard operating procedure at Planned Parenthood and other abortion providers is to intentionally kill the fetus prior to or during the abortive procedure when the fetus is 20 weeks or older. The dilemma of intentionally killing the fetus (feticide) is that it is significantly more dangerous to the woman having the late-term abortion. Late-term abortions in conjunction with feticide result in a risk of death to the mother of 76.6 deaths per 100,000 late term abortions. Late-term abortion where the fetus remains intact and there is no attempt to kill the fetus prior to or during termination of the pregnancy has a risk of death to the mother of 3.6 to 13 deaths per 100,000. The complication to this meaningfully safer late-term abortion technique is the possible live birth of the fetus if viable.

When a woman in late pregnancy confronts a medical issue that threatens her health or her life and she is advised that it is in her best interest to abort her pregnancy, does the physician offer that woman a late-term abortion that includes intentionally killing the fetus prior to or during the abortion? Or does the physician offer the woman the option of a late-term “intact abortion” without intentionally killing the fetus that is 500 to 2,000 percent safer for the life of the mother, but could result in the birth of a healthy pre-term child? If one believes that the intent of an abortion is as defined, one would choose the latter. If one has the opinion that the main intent of abortion is to intentionally cause the death of the fetus, the former procedure would be chosen. Montana law already states that performing a

late-term abortion is a felony unless that late-term abortion is to protect the life of the mother.

Senate Bill 282, respects a woman's right whose life is immediately threatened to terminate her pregnancy. Bill legislation codifies an easy to understand definition of when a fetus is viable. The legislation restricts a late-term abortion, when needed, to the two categories of intact abortion that are the safest techniques available in regards to a woman's health. The significant safety improvement is due to the prohibition of feticide. The bill clarifies Montana law that a viable fetus that survives a late-term abortion will receive immediate resuscitation and obtain the personhood rights granted to them by our government. I believe this bill presents a paradigm shift. It does so because it reverses the pro-choice argument that the safest way to save a woman's life in late pregnancy is to kill the unborn viable child as you terminate her pregnancy. My legislation acknowledges the constitutional protections granted to a woman who needs to terminate her late-term pregnancy to protect her health and life. However, my legislation asserts that there is no constitutional protection to intentionally kill the fetus once viable.

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