



Written Testimony of Chris Massoglia
Digital Marketing Manager, Americans United for Life
In Support of H. F. No. 24
Submitted to the House Committee on Health Finance and Policy
February 12, 2025

Dear Chair Backer, Vice-Chair Nadeau, and Members of the Committee:

My name is Chris Massoglia, and I serve as Digital Marketing Manager at Americans United for Life (“AUL”). Established in 1971, AUL is a national law and policy nonprofit organization with a specialization in abortion, end-of-life issues, and bioethics law. AUL publishes pro-life model legislation and policy guides on end-of-life issues,¹ tracks state bioethics legislation,² and regularly testifies on pro-life legislation in Congress and the states. Our vision at AUL is to strive for a world where everyone is welcomed in life and protected in law. As Policy Counsel, I specialize in life-related legislation, constitutional law, and abortion jurisprudence.

Thank you for the opportunity to provide written testimony in support of House Bill No. 24, (“H.F. 24” or “bill”). This bill strengthens existing legal protections for infants born alive during an attempted abortion by amending Minn. Stat. § 145.423 to ensure that physicians take all reasonable measures to “preserve the life and health of the born alive infant.” I urge the Committee to support H.F. 24 because (1) Minnesota has a legitimate interest to protect human life; (2) the bill will increase the survival rates and provision of comfort care to born-alive infants; and (3) the bill is a critical supplement to federal protections for born-alive infants.

¹ *Pro-Life Model Legislation and Guides*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/> (last visited Feb. 10, 2025). AUL is the original drafter of many of the hundreds of pro-life bills enacted in the States in recent years. See Olga Khazan, *Planning the End of Abortion*, ATLANTIC (July 16, 2020), www.theatlantic.com/politics/archive/2015/07/what-pro-life-activists-really-want/398297/ (“State legislatures have enacted a slew of abortion restrictions in recent years. Americans United for Life wrote most of them.”); see also Anne Ryman & Matt Wynn, *For Anti-Abortion Activists, Success of ‘Heartbeat’ Bills was 10 Years in the Making*, CTR. FOR PUB. INTEGRITY (Jun. 20, 2019), <https://publicintegrity.org/politics/state-politics/copy-paste-legislate/for-anti-abortion-activists-success-of-heartbeat-bills-was-10-years-in-the-making/> (“The USA TODAY/Arizona Republic analysis found Americans United for Life was behind the bulk of the more than 400 copycat [anti-]abortion bills introduced in 41 states.”).

² *State Spotlight*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/state-spotlight/> (last visited Feb. 10, 2025).

I. Minnesota Has Robust Powers to Protect Infant Survivors of Abortions

An elective abortion is deemed “successful” only when a human life is fully extinguished. Yet, despite its abhorrent intent, some children defy the odds and survive. H.F. 24 is not just legislation—it is a lifeline for the newborn who escapes the abortionist’s grasp and enters the world alive, vulnerable, and in desperate need of protection.

In *Dobbs v. Jackson Women’s Health Organization*, the Supreme Court overruled *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*³ and held that “States may regulate abortion for legitimate reasons, and when such regulations are challenged under the Constitution, courts cannot ‘substitute their social and economic beliefs for the judgment of legislative bodies.’”⁴ A State’s legitimate interests include “respect for and preservation of prenatal life at all stages of development . . . [and] the preservation of the integrity of the medical profession.”⁵

Accordingly, Minnesota has robust powers to strengthen protections for infants who survive an abortion procedure. This bill would further Minnesota’s legitimate interest in protecting human life by amending Minn. Stat. § 145.423 to include language that 1) clarifies the statute applies to infants that are born alive “*as a result of an abortion*,” and 2) ensures that “the responsible medical personnel” takes “all reasonable measures” to “preserve the life and health of the born alive infant.” Thus, H.F. 24 provides greater protection for newborns than what is currently offered in Minnesota.

II. Medical Intervention Is Critical to Increasing the Survival Rates and Alleviating the Suffering of Born-Alive Infant Survivors

a. *This Bill Ensures that Born-Alive Infants Are Treated with Human Dignity and Given Appropriate Medical Care*

As advancements in medical technology progress, medical professionals have been able to save prematurely born children at younger gestational ages. Now, children as young as 21 weeks’ gestation have been able to survive outside the womb.⁶ Furthermore, “[r]ecent studies reveal that, with active treatment, infants born at 22 weeks’ gestation can achieve survival rates of 25% to 50%.”⁷ Medical pioneering teams are working to increase the survival rates for extremely premature babies.⁸ However, “[a] periviable infant (variously interpreted in the United States as one between 20 and

³ *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228, 2242–2243 (2022).

⁴ *Id.* at 2283–2284 (citations omitted).

⁵ *Id.* at 2284.

⁶ Charlotte Lozier Institute, *Saving Extremely Premature Babies*, VOYAGE LIFE (last updated Mar. 12, 2023), <https://lozierinstitute.org/dive-deeper/saving-extremely-premature-babies/>.

⁷ Annie Janvier et al., *Does It Matter if This Baby Is 22 or 23 Weeks?*, PEDIATRICS, Sept. 1, 2019, at 1, 1 (2019).

⁸ Charlotte Lozier Institute, *supra* note 6.

24 weeks gestational age) is a critically ill patient due to developmental immaturity.”⁹ Consequently, periviable infants need critical medical care, such as “goal-oriented intensive care including resuscitation and invasive interventions or . . . comfort-oriented end of life care such as warming, morphine for air hunger, and feeding if applicable.”¹⁰

Periviable infants that are born alive during attempted abortions deserve legal protection, especially when there are as many as 10,000 abortions in the United States that occur at or after 21 weeks’ gestation.¹¹ It is a common misconception that most late-term abortions are performed only for reasons of medical necessity.¹² Instead, women often choose abortion because they believe “that childbearing would interfere with their education, work, and ability to care for existing dependents; [the child] would be a financial burden; and would disrupt partner relationships.”¹³ As a result, most abortions occur for the mother’s elective reasons, not because of the baby’s medical condition.

Regardless of a woman’s reasons for choosing to abort her baby, born-alive infant survivors should be treated with human dignity and given comfort care, which they would receive under this bill. As the American Association of Pro-Life Obstetricians & Gynecologists recognizes, “[a] previable infant born alive (variously interpreted as a fetus delivered before 20 to 24 weeks, with those before 20 weeks being termed *abortion* or miscarriage in medical literature) is a patient at the end of his or her natural life.”¹⁴ Medical professionals can provide perinatal palliative care to these young patients, which “focus[es] on maximizing quality of life and comfort for newborns with a variety of conditions considered to be life-limiting in early infancy,” which “includes lethal fetal conditions” such as extremely premature live delivery after an elective abortion.¹⁵ Perinatal palliative care plans “must include plans for assessment and care of the newborn and should include considerations such as newborn bonding and skin-to-skin contact, warmth, hydration, feeding and lactation, management of respiratory distress, and pain control.”¹⁶ This bill would ensure that born-alive infant survivors receive perinatal palliative care to increase their chance of survival and alleviate their pain.

⁹ AM. ASSOC. OF PRO-LIFE OBSTETRICIANS & GYNECOLOGISTS, STATE RESTRICTIONS ON ABORTION: EVIDENCE-BASED GUIDANCE FOR POLICYMAKERS, Comm. Op. 10, at 6 (updated Sept. 2022), <https://aaplog.org/wp-content/uploads/2022/06/CO-10-State-Level-Restrictions-1.pdf>.

¹⁰ *Id.*

¹¹ *Questions and Answers on Born-Alive Abortion Survivors*, CHARLOTTE LOZIER INST. (last updated Jan. 2023), <https://lozierinstitute.org/questions-and-answers-on-born-alive-abortion-survivors/> (citing Katherine Kortsmitt et al., *Abortion Surveillance—United States, 2020*, CTRS. FOR DISEASE CONTROL & PREVENTION MORBIDITY & MORTALITY WEEKLY REP., Nov. 25, 2022, at 1, 2, tbl. 10).

¹² James Studnicki, *Late-Term Abortion and Medical Necessity: A Failure of Science*, HEALTH SERVS. RSCH. & MANAGERIAL EPIDEMIOLOGY, Apr. 9, 2019, at 1, 1.

¹³ *Id.* at 1.

¹⁴ AM. ASSOC. OF PRO-LIFE OBSTETRICIANS & GYNECOLOGISTS, *supra* note 9, at 6.

¹⁵ AM. COLL. OF OBSTETRICIANS & GYNECOLOGISTS COMM. ON OBSTETRIC PRACTICE & COMM. ON ETHICS, PERINATAL PALLIATIVE CARE, Comm. Op. at e84 (reaffirmed 2021).

¹⁶ *Id.* at e86.

b. State Abortion Data Shows that Infants Are Surviving Abortion Procedures

It is not a myth that there are infants born alive following an abortion procedure,¹⁷ which is why it is necessary for Minnesota to expand its legal protections of born-alive infant survivors. For example, one CDC report found that over a 12-year period, at least 143 babies survived the abortion procedure before ultimately passing away.¹⁸ The CDC even admits that this number of born-alive infants is possibly underestimated.¹⁹ Similarly, a study published in *Obstetrics & Gynecology* found that of the 241 preborn children aborted for having a fetal anomaly between 20 and 24 weeks gestational age, 122 infants survived the procedure before ultimately passing away.²⁰

Eight states voluntarily report abortion information on born-alive infants, including Arizona, Arkansas, Florida, Indiana, Michigan, Minnesota, Oklahoma, and Texas.²¹ These reports show that thirty-five infants were born alive in Arizona, Florida, Minnesota, and Texas in 2020 and 2021.²² Another eight infants were born alive in Florida in 2022.²³ In this regard, infants are surviving attempted abortions, and they are in critical need of medical intervention to increase their chances of survival and to provide comfort care.

H.F. 24 ensures that these infants born alive following an abortion receive medically appropriate and reasonable medical care and treatment. As a result of these protections, the survival rate of born-alive infants will increase, and more infants will receive essential, perinatal palliative care.

III. H.F. 24 Supplements the Federal BAIPA, Providing Necessary, Commonsense Protection for Born-Alive Infants

Congress enacted Born Alive Infant Protection Act (BAIPA) to clarify that federal law recognizes infants born alive at any stage of development are persons.²⁴ Yet, the law does not ensure that infants will receive life-saving protection and medical intervention if they need it. It is therefore necessary to require affirmative action by a

¹⁷ See *Planned Parenthood Exposed: Examining the Horrific Abortion Practices at the Nation's Largest Abortion Provider: Hearing Before the H. Comm. on the Judiciary*, 114th Cong. (2015) (written testimony of Melissa Ohden, Abortion Survivor & Founder, Abortion Survivors Network).

¹⁸ Nat'l Ctr. for Health Stat., *Mortality Records With Mention of International Classification of Diseases-10 Code P96.4 (Termination of Pregnancy): United States, 2003-2014*, CTRS. FOR DISEASE CONTROL & PREVENTION (Apr. 11, 2016), https://www.cdc.gov/nchs/health_policy/mortality-records-mentioning-termination-of-pregnancy.htm.

¹⁹ *Id.*

²⁰ Stephanie Springer et al., *Fetal Survival in Second-Trimester Termination of Pregnancy Without Feticide*, 131 *OBSTETRICS & GYNECOLOGY* 575 (2018).

²¹ *Questions and Answers on Born-Alive Abortion Survivors*, *supra* note 11.

²² *Id.*

²³ *Id.*

²⁴ 1 U.S.C. § 8.

physician to ensure that an infant born alive after an abortion receives the same level of medical care as any other infant would.

This bill is more comprehensive than the federal BAIPA and fills in its gaps by expanding protections for born-alive infants. First, the bill acknowledges that a born-alive infant survivor is a legal person for all purposes under Minnesota law and is entitled to the same legal protections as any other person. The bill then requires that a physician take “all reasonable measures consistent with good medical practice, including the compilation of appropriate medical records, shall be taken by the responsible medical personnel to *preserve the life and health of the born alive infant.*”


Currently, Minnesota has Minn. Stat. § 145.423, which only requires “medical personnel” to take “reasonable measures consistent with good medical practice.” H.F. 24 will expand legal protections for born-alive infant survivors in Minnesota, ensuring that a born-alive infant receives immediate medical care that will “preserve the life and health of the born alive infant.” At least thirty-two other states have some form of protection for newborns who survive the abortion procedure.²⁵

The bill furthers Minnesota’s interest to protect living newborns by ensuring medical professionals provide the necessary care to born-alive infant survivors, preserving both their life and health.

IV. Conclusion

For these reasons, I strongly encourage the Members of this Committee to support H.F. 24 and continue to uphold Minnesota’s duty to protect the lives of all its citizens, no matter the circumstances in which they were born.

Respectfully Submitted,



Chris Massoglia
Digital Marketing Manager
AMERICANS UNITED FOR LIFE

²⁵ These states are Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.