DATE: 00/00/2018

**Resolution to Oppose “Fetal Personhood” Terminology in Governmental Policies and Legislation**

INTRODUCED BY: [Name(s) and State Chapter]

WHEREAS, fetal personhood is not a medical term, and

WHEREAS, current politicians have used the following language in multiple proposed bills on the state and national levels: ‘fetal personhood’, ‘child in utero’, ‘unborn child’, ‘a human being at any stage of development’[[1]](#footnote-1), and

WHEREAS, the creation of fetal rights is in direct conflict with the constitutional rights of the pregnant person[[2]](#footnote-2), and

WHEREAS, “the unborn have never been recognized in the law as persons in the whole sense”[[3]](#footnote-3) and has not afforded it rights as an entity separate from the pregnant person, and

WHEREAS, fetal personhood language included in legislation is designed to undermine women’s rights and access to abortion, and

WHEREAS, the use of fetal personhood terminology in legislation has far reaching implications on the bodily autonomy of the pregnant person, for instance, patient access to safe and effective assisted reproductive technologies, such as IVF, selective reduction, and embryo storage and disposal, [[4]](#footnote-4),[[5]](#footnote-5) and

WHEREAS, the use of fetal personhood terminology has far reaching implications on the bodily autonomy of the pregnant person including abortion access, as well as the ability of a pregnant person to make medical decisions surrounding birth,[[6]](#footnote-6) like consent for c/sections and pregnant persons’ well-being when Catholic institutions’ refuse to treat ectopic pregnancies or miscarriages with a fetal heartbeat, and so

Now therefore, be it

RESOLVED, that the [Your State Academy] affirms that it opposes the use of fetal personhood language in policies and legislative initiatives; and be it further

RESOLVED, that the [Your State Academy] submit a resolution to the 2018 AAFP Congress of Delegates calling on the AAFP to publicly oppose the use of and the concept of ‘fetal personhood’ language in policies and legislation as it infringes on the bodily autonomy of pregnant persons

1. Rewire.News, “Legislative Tracker: Personhood.” (13 Nov 2017) <https://rewire.news/legislative-tracker/law-topic/personhood/> [↑](#footnote-ref-1)
2. Johnsen, Dawn E. "The creation of fetal rights: conflicts with women's constitutional rights to liberty, privacy, and equal protection." *The Yale Law Journal* 95.3 (1986): 599-625. [↑](#footnote-ref-2)
3. *Roe*, 410 U.S. at 163-64. *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992) [↑](#footnote-ref-3)
4. Will, Jonathan F. and Cohen, I. Glenn and Adashi, Eli Y, Personhood Seeking New Life with Republican Control (March 3, 2017). Indiana Law Journal, Forthcoming; Harvard Public Law Working Paper No. 17-12; Mississippi College School of Law Research Paper No. 2017-04. Available at SSRN: <https://ssrn.com/abstract=2957670> [↑](#footnote-ref-4)
5. American Society for Reproductive Medicine, “ASMR Position Statement on Personhood Measures” <http://www.asrm.org/about-us/media-and-public-affairs/public-affairs/asrm-position-statement-on-personhood-measures/> [↑](#footnote-ref-5)
6. Field, Martha A. "Controlling the woman to protect the fetus." Law, Medicine and Health Care 17.2 (1989): 114-129. [↑](#footnote-ref-6)