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LEGISLATIVE MEMORANDUM

To: Members of the Senate Committee on Health, Human Services, Insurance and Job Creation
From: Julaine K. Appling, President
Date: March 7, 2008
Re: Senate Bill 232, relating to redefining abortion

Wisconsin Family Action strongly *opposes Senate Bill 232* and urges you to do the same.

SB 232 creates a new definition for abortion, sacrificing the medically and ethically correct term *unborn child* for *embryo* and *fetus*. As members of the Legislature, you well know that the individual words used in statutes are critical. Replacing the term *unborn child* with the neutral, non-committal terms *embryo* and *fetus* denies the personhood of unborn human children, robbing them of the dignity and protection afforded fully born human children. The consequences of changing the definition of an unborn child in this bill are far-reaching and not constrained to pharmacists and contraceptives.

We are very much concerned that this type of legislation summarily legally re-defines when life begins, moving it from the scientifically accurate definition of “the moment of conception,” to the politically correct “upon implantation.” This type of change is monumental, not inconsequential. This definition could be used in courts of law to deny the personhood of a preborn child, and in this very Legislature, to justify changing the definition in subsequent legislation.

Furthermore, this bill redefines abortion to exclude “the use, administration, delivery, prescribing, or dispensing of any federal-food-and-drug-administration-approved contraceptive.” This approach makes it appear that the legislature has a crystal ball and can foresee the future. No one knows what types of contraceptives may have FDA approval in the days and years ahead—some known abortifacient contraceptives could one day receive FDA approval. This provision in this bill is especially dangerous when the matter of conscience is involved.

Changing the definition of abortion on a piece of paper cannot change the fact that contraceptives can, and do, cause abortions. It can, however, discriminate against pharmacists who are opposed to abortion on conscientious or religious grounds and who understand and acknowledge the abortifacient abilities of certain contraceptive drugs. It is wrong to mandate that pharmacists provide contraceptive drugs when they know the so-called “contraception” can in fact be an abortifacient. Incidentally, this bill ignores the medical evidence proving the harm contraceptives can have on a woman’s health—something a pharmacist must take into consideration when dispensing a drug.

This bill makes no provision to protect the freedom of conscience of pharmacists in violation of the Wisconsin Constitution, Article I, Section 18 which states, “[N]or shall any control of, or interference with, the rights of conscience be permitted.” I think it is crystal clear that the single purpose and intent of this bill is to force pharmacists who oppose abortifacient contraceptives to dispense the drug despite their moral and/or religious objection to abortion.

Pharmacy is a highly regulated profession, and for good reason. We trust our pharmacists to give us the right medication, the right amount, the right instructions. This bill ties the hands of pharmacists and forces them to

dispense extremely powerful and potentially dangerous medication, in spite of the harm they know it may cause to both the woman and her unborn child and in direct violation of their conscience if they object to abortion on moral or religious grounds.

The *last* thing you as legislators should want to do is *force* our pharmacists, the people whose moral integrity our very lives *depend upon*, to violate their consciences.

In summary, SB 232 is both bad health care and bad public policy, and I encourage you to vote against it in committee and on the floor, should it make the calendar.

Wisconsin Family Action is the legislative action arm of Wisconsin Family Council.