



National Association of Christian Lawmakers
NACL Model 2023-08 Unborn Child Protection Act

Passed by the NALC-National Legislative Council Executive Committee

by unanimous vote June 9, 2023

This subchapter shall be known and may be cited as the “Unborn Child Protection Act”. Legislative findings and intent.

(a) The General Assembly finds that:

(1) On June 22nd, 2022 the landmark Supreme Court ruling, *Dobbs v. Jackson Women's Health Organization*, overturned *Roe v. Wade*, which is cause for both celebration and somber reflection. This significant milestone represents a turning point in the fight for the protection of unborn lives. However, it also serves as a solemn reminder of the millions of lives lost since *Roe v. Wade* legalized abortion in 1973.

(2) The overturning of *Roe v. Wade* in the *Dobbs* case marked a historic victory for those who champion the sanctity of life and recognize the inherent value and dignity of every human being. This decision represents a critical step towards establishing a society that embraces the protection of the unborn and affirms the fundamental rights of the most vulnerable among us.

(3) In celebrating this milestone, we celebrate the opportunity to build a culture that values and respects life at all stages. To reaffirm our commitment to supporting expectant mothers, offering compassionate alternatives to abortion, and promoting a comprehensive system of healthcare, adoption services, and social support networks. Together, we can foster an environment where life is cherished, protected, and given the opportunity to thrive.

(4) While we rejoice at the overturning of *Roe v. Wade*, we cannot overlook the immense sorrow caused by the millions of lives lost to abortion since its legalization. Each life lost represents a unique and irreplaceable individual who was denied the chance to experience the joys, challenges, and wonders of existence. It is a profound loss for our society and a reminder of the countless missed opportunities for love, growth, and contributions to our world.

(5) We should remember and mourn the immense loss of these unborn children. We must also offer compassion, understanding, and healing to those who have been affected by the tragedy of abortion. It is a time to reflect on the impact of this loss and recommit ourselves to building a future where every life is valued, protected, and given the chance to reach its full potential.

(6) The *Dobbs* provides us the opportunity to demonstrate our renewed determination to support life by instituting protections in our laws that for rights of the unborn.

(a) Definitions.

As used in this subchapter:

(1)(A) “Abortion” means the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any of those means will with reasonable likelihood cause the death of the unborn child.

(B) An act under subdivision (1)(A) of this section is not an abortion if the act is performed with the purpose to:

- (i) Save the life or preserve the health of the unborn child;
- (ii) Remove a dead unborn child caused by spontaneous abortion; or
- (iii) Remove an ectopic pregnancy;

(2) “Fertilization” means the fusion of a human spermatozoon with a human ovum;

(3) “Medical emergency” means a condition in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(4) “Unborn child” means an individual organism of the species *Homo sapiens* from fertilization until live birth.

Prohibition.

(a) A person shall not purposely perform or attempt to perform an abortion except to save the life of a pregnant woman in a medical emergency.

(b) Performing or attempting to perform an abortion is an unclassified felony with a fine not to exceed one hundred thousand dollars (\$100,000) or imprisonment not to exceed ten (10) years, or both.

(c) This section does not:

(1) Authorize the charging or conviction of a woman with any criminal offense in the death of her own unborn child; or

(2) Prohibit the sale, use, prescription, or administration of a contraceptive measure, drug, or chemical if the contraceptive measure, drug, or chemical is administered before the time when a pregnancy could be determined through conventional medical testing and if the contraceptive measure, drug, or chemical is sold, used, prescribed, or administered in accordance with manufacturer instructions.

(d) It is an affirmative defense to prosecution under this section if a licensed physician provides medical treatment to a pregnant woman which results in the accidental or unintentional physical injury or death to the unborn child.