



To: Judiciary Committee
From: Marion Miner, Associate Director for Pro-Life & Family
Nebraska Catholic Conference
Subject: LB209 (Abortion Pill Reversal Information Act) (Support)
Date: March 20, 2019

Chairman Lathrop and Members of the Judiciary Committee,

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life by engaging, educating, and empowering public officials, Catholic laity, and the general public. I am here today to express the Conference's support for LB 209.

LB 209 makes an addition to Nebraska's existing informed consent statutory framework as it relates to abortion. Already under our existing law, a person performing an abortion has to inform the woman of several things before proceeding, including medical risks, the fact that no one can force her to have an abortion, and that she has the right to review information on alternatives.¹

The U.S. Supreme Court has recognized in several cases that informed consent is critical because women do in fact sometimes regret abortion, concluding that "[t]he medical, emotional, and psychological consequences of an abortion are serious, and can be lasting,"² and that "it is unexceptionable to conclude that some women come to regret" abortion.³ LB 209 would empower every woman with information so that she knows about all her options, including the option to change her mind and keep a wanted baby when she regrets her first decision.

Abortion pill reversal, which is simply the administration of progesterone to overcome the effects of the abortion pill mifepristone, was only discovered in 2007. Rigorous studies have only been done on the process in the last few years. What they have found is both remarkable and perfectly in accord with common sense: when women are given progesterone, which has been used safely to support pregnancies at risk of miscarriage for more than 50 years, it helps them to save pregnancies which have been put at risk by a drug (mifepristone) whose specific purpose is to suppress progesterone levels. Studies done by Drs. Mary Davenport and George Delgado in 2017 and 2018, respectively, have shown that when women are given a single dose of mifepristone in the amount of 200-300 mg, which is the current clinical practice, there is approximately a 25% chance of embryo survival should the woman not receive progesterone

¹ See Neb. Rev. Stat. § 28-327.

² *H.L. v. Matheson*, 450 U.S. 398, 411 (1981).

³ *Gonzales v. Carhart*, 550 U.S. 124, 159 (2007).

treatment after taking the mifepristone.⁴ On the other hand, when the woman does receive progesterone, the chances that her baby will survive to term increase from 25% to 64-68% when the woman receives treatment through the most effective methods⁵ (by injection and by oral administration of progesterone, respectively).

LB 209 is a common-sense information bill that gives women a chance at a second choice when they regret their decision to start an abortion. Women in Nebraska deserve to have this information available to them. One can only imagine the devastation a woman might feel months or years later when she discovers it may have been possible to save her baby, if only she had known about the resources available to her.

This legislation is compassionate and would be justified even if it would help only a few women in Nebraska each year avoid a lifetime of regret. It does not place any restrictions on abortion; it only gives women the information they need to pursue every option available to them. The Conference encourages you to advance LB 209 to General File.

⁴ Davenport et al., "Embryonic Survival after Mifepristone : A Systematic Review of the Literature, *Issues in Law and Medicine*, Vol. 32, No. 1., 2017.

⁵ Delgado et al., "A Case Series Detailing the Successful Reversal of the Effects of Mifepristone Using Progesterone," *Issues in Law and Medicine*, Vol. 33, No. 1., 2018.