

# The Freedom of Choice Act — What It Really Means and How It Will Result in More Deaths of Unborn Children

The Freedom of Choice Act (FOCA) is a radical proposal that would mean the return of the heinous practice of partial-birth abortion. FOCA would obliterate virtually all restrictions on abortion, including the federal Partial-Birth Abortion Act. FOCA would also eliminate Pennsylvania's landmark Abortion Control Act, which would mean an end to parental consent, informed consent, and 24-hour waiting periods for abortion. *Under FOCA, abortions in Pennsylvania and the nation would skyrocket.*

Under Pennsylvania's <i>Abortion Control Act</i> :	Under the proposed <i>Freedom of Choice Act</i> :
<ul style="list-style-type: none"> <li>The abortionist or referring physician must tell the woman about the procedure, its risks, and alternatives, as well as the age of the unborn child.</li> </ul>	<ul style="list-style-type: none"> <li>Abortionists will be able to do abortions without informing the woman about the procedure, its risks, and alternatives, or the age of the unborn child.</li> </ul>
<ul style="list-style-type: none"> <li>The abortionist must inform the woman that:               <ul style="list-style-type: none"> <li>She has the right to review Pennsylvania Department of Health materials describing the unborn child and listing agencies offering abortion alternatives.</li> <li>That a copy of these materials will be provided to her free of charge.</li> <li>That Medical Assistance benefits may be available for prenatal care, childbirth, and neonatal care.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Abortionists will be able to perform abortions without:               <ul style="list-style-type: none"> <li>Informing the woman of the development of the unborn child.</li> <li>Informing the woman about agencies that offer alternatives to abortion.</li> <li>Informing the woman about the availability of Medical Assistance benefits for prenatal care, childbirth, and neonatal care.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>The abortionist must wait 24 hours after the woman has given her voluntary and informed consent before performing the abortion.</li> </ul>	<ul style="list-style-type: none"> <li>Abortionists will be able to do abortions on demand, with no waiting period for the woman to fully understand what she will go through.</li> </ul>
<ul style="list-style-type: none"> <li>The abortionist cannot abort an unborn child of 24 weeks or more except when necessary to prevent the mother's death or irreversible impairment.</li> </ul>	<ul style="list-style-type: none"> <li>Abortionists will be able to abort unborn children up to when the baby is born at nine months of gestation.</li> </ul>
<ul style="list-style-type: none"> <li>The abortionist cannot perform an abortion on a minor under 18 without the consent of one parent/guardian. Except in a medical emergency, no parent or guardian can coerce a minor or incapacitated woman to have an abortion.</li> </ul>	<ul style="list-style-type: none"> <li>Abortionists will be able to do abortions on minors of any age without notifying or getting consent from the parent or guardian, even if the woman is being coerced to have an abortion against her will.</li> </ul>

**The *Freedom of Choice Act* would also invalidate:**

- Laws restricting government funding of abortion.** For example, the Hyde Amendment currently prohibits federal funding of most abortions. Many states have similar laws. The U.S. Supreme Court ruled in 1980 that these laws do not violate *Roe v. Wade*.
- Laws prohibiting abortions in public hospitals.** The Supreme Court ruled in 1977 that such policies do not violate *Roe v. Wade*.
- Laws allowing doctors, nurses, or other state-licensed professionals and hospitals or other health-care providers to decline to provide or pay for abortions.** Such “conscience rights” with respect to abortion are generally protected by certain federal and state laws.
- Laws prohibiting medical personnel other than licensed physicians from performing abortions.** These laws would become invalid because they may “interfere with” access to abortion. All but a handful of states currently enforce such “doctor-only” laws, which are specifically authorized in *Roe v. Wade*.