

Delegate Vivian Watts - January 9, 2013

The Birth Control Protection Act, HB1644, puts into Virginia law that abortion shall not include any “means of contraception that are approved by the U.S. Food and Drug Administration.” It makes it clear that **using birth control is NOT considered an abortion.**

This medically sound, common sense legislation will protect the rights of Virginia women against repeated efforts to ban access to birth control. The handout, “A Decade of Anti-Birth Control Legislation in Virginia,” reveals a disturbing history of advocate groups whose goal is not just to make abortion illegal but to deny the moral freedom of each individual to their personal belief of when life begins.

### **Birth Control Impacts Millions of Women**

Nationally, nearly all sexually active women between the ages of 15 and 44 have used some form of birth control, including 98% of Catholic women.

### **Strong Families and a Strong Middle Class**

Women and men who are able to plan their pregnancies enjoy brighter economic prospects. Their children benefit from increased time and resources available for their nurturing. Middle class families are better able to manage their resources and low-income families can better focus on using their full human potential to climb out of poverty.

### **Health Benefits**

Birth control is not just family planning. The Birth Control Protection Act will ensure that women in Virginia have full access to the best professional medical practice regarding their individual health needs should they face cancer treatment, kidney disease, pulmonary conditions, or diabetes. Other women will not be denied the freedom to follow research on reducing the risk of some forms of cancer.

### **Fighting Anti-Birth Control Legislation**

The Republican Presidential Primary and various Congressional races, revealed that opposition to birth control is real. Those same forces are and have been very active in Virginia for years, forcing far too many extreme votes.

The first sentence of the ProLife piece reproduced in the handout reads

“... the pill, patch, mini-pill, shot, vaginal ring, emergency contraception, intrauterine devices, etc. have the capability to cause an abortion.”

Last year, the Senate only narrowly turned back the House vote on HB1 in support of such an extreme position.

We must never again put the health of Virginia’s women, the strength of Virginia’s families, and the image of the Commonwealth at such risk. Democrats in the House and the Senate stand together to take the long overdue step of protecting birth control under Virginia law and getting the Commonwealth back on a commonsense path.

## A Decade of Anti-Birth Control Legislation in Virginia

2013

HB1315(Marshall) – **Insurance or health care plans can't cover birth control** of any kind.  
HB1644(Watts) – Definition of abortion does not include birth control.

2012

HB1(Marshall) – **Fetus is a person** from the moment of conception.  
**Amendment not to include birth control killed 64/34** in House and bill passed 66/32.  
No vote taken in Senate Health & Education Ctte.

2011

HB1(Marshall) – **Fetus is a person** from the moment of conception.  
**Passed House 62/36. BPI'd in Senate Health & Education Ctte 10 to 5.**

2010

HB112(Marshall) – **Fetus is a person** from the moment of conception.  
Died in House Courts special subcommittee 5 to 2

2009

HB1639(Marshall) – **Fetus is a person** from the moment of conception.  
No vote taken in House Courts Ctte  
HB2338(Amundson) – Definition of abortion does not include birth control.  
No vote taken in House Courts Ctte  
HB2444(Sickles) – Bill provided bioresearch funding  
**House amendment prohibited use of embryo tissue. Biotech business tried 2 years to remove language.**  
No vote taken in Senate General Laws Ctte

2008

HB81(Marshall) – **Criminalizes abortions** if Roe v. Wade overturned  
No vote taken in House Rules  
HB107(Amundson) – Definition of abortion does not include birth control.  
No vote taken in House Courts Ctte

2007

HB2124(Marshall) – **Criminalizes abortions** if Roe v. Wade overturned  
No vote taken in House Rules  
HB2221(Amundson) – Definition of abortion does not include birth control.  
Defeated by voice vote in House Health, Welfare and Institutions Ctte  
HB2797(Marshall) – **Life begins at fertilization.**  
**Passed House Ctte on Privileges & Elections 12 to 7**  
**Died in House 53 to 43**

2006

HB868(Byron) HB1199 (Marshall) – **Criminalizes giving birth control to minors** without parent's consent.

2005

HB1807 (Marshall) – **Criminalizes giving birth control to minor.**  
HB1813 (Marshall) – **Colleges can be sued for prescribing morning after pill.**  
**Defeated in House Courts Ctte 22 to 0**  
HB2855(Amundson) – Contraception does not include birth control.  
Died in House Health, Welfare and Institutions Ctte  
SB456(Whipple) – Contraception does not include birth control.  
Withdrawn after amended on Senate floor

2004

SB456(Whipple) – Contraception does not include birth control.  
Carried over to next session  
HB196(Black) – Bill used definition that **fetus is product of human conception at any stage.**

2003

SB1104(Whipple) – Contraception does not include birth control.  
Passed Senate 22/16. Failed in House Courts 9/9

Virginia Code does not define “conception.”

Medical definitions differ, ie, :

Conception is the same as fertilization (the moment egg and sperm join)

*The American Heritage® Medical Dictionary*

Conception occurs when a fertilized egg implants in the uterus.

*Miller-Keane Encyclopedia and Dictionary of Medicine, Nursing, and Allied Health*

However, ProLife internet websites unequivocal:

When they use the word “conception” they mean the moment egg and sperm join.

The excerpt below from an article entitled “**What About Birth Control**” which has appeared in material passed out on the General Assembly sidewalks in 2011 and 2012 by the Human Life Alliance makes it clear:

According to scientific research, all hormonal contraceptives have the capability to cause an abortion (the pill,<sup>1</sup> patch,<sup>2</sup> mini-pill,<sup>3</sup> shot,<sup>4</sup> vaginal ring,<sup>5</sup> emergency contraception,<sup>6</sup> intrauterine devices,<sup>7,8</sup> etc). Hormonal contraceptives work in three ways: by attempting to stop ovulation (the release of the egg from the ovary), by thickening cervical fluids to prevent fertilization, and by thinning the lining of the uterus to prevent implantation. The first two methods are contraceptive, but if they fail, the third method can cause an abortion since it occurs after fertilization...

1 Ortho-McNeil Pharmaceuticals. “Full US Prescribing Information.” | 2 Ibid. | 3 Ibid. | 4 Pfizer Inc. “Depo-Provera and Depo-subq Provera US Physician Prescribing Information.” | 5 Shering-Plough Corporation. “NuvaRing Prescribing Information.” | 6 Barr Pharmaceuticals, Inc. “Plan B Full US Prescribing Information.” | 7 Barr Pharmaceuticals, Inc. “Paragard Full US Prescribing Information.” | 8 Bayer HealthCare Pharmaceuticals. “How Mirena works.”

Their goal is to ban most common means of birth control.