

Public Health Committee

Public Testimony of the CT Women's Education and Legal Fund (CWEALF)

H.B. 5158: *An Act Concerning Pregnant Patients Exercising Living Wills*

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The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide, nonprofit organization that advocates for and empowers women and girls in Connecticut, especially those who are underserved or marginalized. For forty-five years, CWEALF is a leader of policy solutions that advance women's economic security and increase access to reproductive health care. We are an active member of the Coalition for Choice, a group of advocates that promotes policies to improve women's access to reproductive healthcare and protects a woman's right to bodily autonomy.

CWEALF urges the Committee to support H.B. 5158: *An Act Concerning Patients Exercising Living Wills*.

In Connecticut, doctors must implement a non-pregnant patient's wishes regarding the removal or withholding of life-sustaining treatment when the patient is incapacitated and either permanently unconscious or terminally ill. Doctors determine a patient's wishes with a consultation of an advance directive, their written health care instructions. If a patient does not have an advance directive, doctors determine a patient's wishes from past statements made to other doctors, health care representatives, and family members.

Under current law, Connecticut automatically nullifies the health care wishes of incapacitated, pregnancy women regardless of the viability of their fetuses. Regardless of a woman's expressed intent, fetal health, and the mother's suffering, she is forced to receive life-sustaining treatment until her fetus becomes viable and can be removed by cesarean section. In Connecticut, women must be kept on life support even when doctors know that the fetus will not survive.

Connecticut's law is among the most restrictive in the country with regards to pregnancy exceptions. Current law infringes on women's constitutional rights to refuse medical treatment and to terminate non-viable pregnancies and often is against the best interests of the fetus.

Medical conditions that incapacitate mothers often have severe consequences on fetal health. Sustaining a mother's life may also require medications not intended for fetuses, such as aggressive antibiotics that frequently cause severe developmental abnormalities.

Fetal death is the overwhelming outcome in these cases; however, Connecticut law requires doctors to attempt to bring fetuses to live birth regardless of whether that is possible, fetal suffering, or future quality of life.

House Bill No. 5148 will repeal Connecticut's pregnancy exception and adds an optional section to the voluntary, sample advance directive form that allows women to specify what to do if they are pregnant. If a patient cannot communicate and does not have an advance directive, her doctor would determine her intent by asking her healthcare representative and family.

Connecticut's current law places an unconstitutional burden on a woman's right to choose. House Bill No. 5148 takes the necessary steps to fix this problem to ensure that women in Connecticut have full autonomy over their bodies. We urge the Committee and Connecticut lawmakers to support H.B. 5148 this year.