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March 19 2026

HB 0049 - UNF

Public Health - Abortion (Heartbeat Bill)

Dear Chair [Heather Bagnall](#), **Vice Chair** [Bonnie Cullison](#), and Members of the Health Committee,

Under current law “the State may not interfere with the decision of a woman to terminate a pregnancy: Before the fetus is viable; ...”. This bill proposes replacing viability with fetal heartbeat. The use of the phrase “fetal heartbeat” in this bill is somewhat misleading. A flutter that is detectable by sophisticated ultrasound technology after six weeks occurs because the group of cells that will become the future pacemaker of the heart gained the capacity to fire electrical signals. Any sound that can be heard is generated by the ultrasound instrument. The muscle continues to develop over the next four to six weeks, undergoing the folding and bending that needs to happen for the heart to be functional and take its final shape. It is not until eight weeks that the embryo officially becomes a fetus.

Establishing a boundary for when the thwarting of a potential future human life should be illegal is unavoidably somewhat subjective. The current standard, viability, is more reasonable than “fetal heartbeat” in our view and should be retained. If we are going to seek a better boundary then the start of consciousness could be a good alternative. The ongoing progress in identifying the neural correlates of consciousness, resulting from research that is motivated by both academic curiosity and commercial interests, gives us some reason to anticipate that an expert consensus on the start of consciousness may be reached sometime in the future. Abortion law can then be updated accordingly. Meanwhile, let's retain the status quo.

Respectfully,
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