

Daniel Mosher
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RE: Letter of Support for HB 1143 (Lopez)

Dear Chair Bagnall and Vice Chair Cullison,

All* Above All strongly supports HB 1143 and urges the legislature to adopt this measure as soon as possible to ensure that no one else is subject to the antiquated and dangerous lung float test .

The lung float test is a pseudoscientific tool for the criminalization of pregnancy outcomes, transforming a patient's most sensitive and personal experiences into a potential criminal investigation. When prosecutors rely on this discredited technique, they effectively treat a medical emergency as a potential crime scene, often targeting birthing persons who have already suffered a devastating loss. By using a test that forensic experts have rejected for decades, the legal system risks wrongfully convicting and incarcerating individuals on the basis of their pregnancy outcomes.

Across the country, we have seen numerous instances where this junk science was used to support the criminalization of pregnancy. As several states seek to increase penalties on pregnant patients who seek reproductive care, we can not allow this test to threaten the human rights and liberty of pregnant people.

All* Above All is an abortion forward reproductive justice organization that envisions a world where all people, regardless of their socioeconomic status, race, religion, sexual orientation, gender identity, or geographic location, have complete autonomy over their reproductive health. That means fighting back against laws that aim to criminalize a person for their pregnancy with outdated policies like the lung float test.

Ultimately, keeping the lung float test in the legal system is dangerous, as it provides a false veneer of scientific certainty to justify state surveillance and punishment of pregnant bodies. Instead of supporting those in need of medical care, the reliance on

the test forces clinical staff and law enforcement into adversarial roles, further stigmatizing reproductive health.

The lung float test must be repealed, and we urge the swift passage of this bill through the legislature to accomplish that goal.

Thank you,

Daniel Mosher
Deputy Director of State Strategies
All* Above All