



FOR IMMEDIATE RELEASE  
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**STATEMENT BY MIKE LEAVITT  
Secretary of Health and Human Services  
Regarding Born-Alive Infant Protection**

Shortly after I was confirmed as Secretary, I received several inquiries on whether the Department of Health and Human Services was planning to issue regulations to implement the Born-Alive Infants Protection Act of 2002. The Born-Alive Act, passed with overwhelming bipartisan support in Congress and signed into law by President Bush in August 2002, is a law that defines the term "individual," "person," "human being," or "child" as any infant who is born alive, at any stage of development. While that definition seems so self-evident, Congress had received testimony that some infants who had been born alive after unsuccessful abortions were left to die. Because the Born-Alive Act is self-implementing and applies to all federal statutes, rulings, and regulations, no regulations are necessary.

The Act reaffirms the legal principle that all infants born alive are entitled to the full protection of the law. That is a principle I will vigorously uphold as Secretary. As a matter of law and policy, the U.S. Department of Health and Human Services will investigate all circumstances where individuals and entities are reported to be withholding medical care from an infant born alive in potential violation of federal statutes for which we are responsible. We will also take proactive steps to educate state officials, health care providers, hospitals and child protection agencies about their obligations to born-alive infants under federal law.

We took the first of these educational steps today by notifying relevant entities that we aggressively enforce federal laws that protect born-alive infants. We issued clear guidance that withholding medical care from an infant born alive may constitute a violation of the federal Emergency Medical Treatment and Labor Act and the Medicare Conditions of Participation. We also notified state agencies that receive grants under the Child Abuse Prevention and Treatment Act that they must have procedures in place to respond to reports of medical neglect as it applies to born-alive infants.

Ours is a society that values and defends life. The Department of Health and Human Services will continue to seek ways to revere and protect the dignity of life.

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