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WOMEN'S
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Survey: People believe negative consequences of giving legal rights to fetuses and embryos are likely to happen, but the intensity of belief varies based on the consequence

A recent survey from the National Women's Law Center and Pregnancy Justice reveals that likely voters oppose "fetal personhood" — an anti-abortion strategy that advocates for giving fertilized eggs, embryos and fetuses the same legal rights as anyone born, including rights under the U.S. Constitution. Despite strong opposition among likely voters, anti-abortion policymakers are secretly advancing laws to do this—with disastrous consequences for pregnant people.

The survey asked likely voters about a range of consequences if laws recognize rights for embryos and fetuses, seeking to find out whether likely voters think the consequences are believable and some of the worst things that could happen. Some of the consequences tested are ones which pregnant people are currently facing. The survey revealed that some consequences are more bad than believable to voters, and others are more believable than bad. While reactions varied, a majority of respondents thought they were both believable and to be some of the worst things that could happen.

The negative consequences of laws recognizing rights for embryos and fetuses that were most believable and some of the worst things to happen are:

- Laws recognizing rights for embryos and fetuses could **ban abortion nationwide**—68% believe this is likely to happen, including 38% who believe this is extremely likely, and 61% believe this is a bad thing, including 44% who believe this is one of the worst things that could happen.
- Laws recognizing rights for embryos and fetuses could cause **OB-GYNs to fear that the standard care they provide their patients could be considered a crime**—66% believe this is likely to happen, including 35% who believe this is extremely likely, and 67% believe this is a bad thing, including 45% who believe this is one of the worst things that could happen.

Respondents felt some consequences are extremely likely and that they are a bad thing, but they felt slightly less strongly that they are some of the worst things that could happen:

- Laws recognizing rights for embryos and fetuses **could change the government’s responsibilities and roles, leading to a broader expansion of the government’s interference into a pregnant person’s daily life**—67% believe this is likely to happen, including 34% who believe this is extremely likely.
 - 62% believe this is a bad thing, including 39% who believe this is one of the worst things that could happen.
- If laws recognize rights for embryos and fetuses, a **pregnant person could face a child endangerment criminal investigation for their conduct during their pregnancy if it is deemed to be risky, such as exercising too much or drinking alcohol**—68% believe this is likely to happen, including 31% who believe this is extremely likely.
 - 57% believe this is a bad thing, including 34% who believe this is one of the worst things that could happen.

On the other hand, Respondents thought some consequences of giving legal rights to fetuses and embryos were not as likely to happen, but, if they were to happen, respondents considered them the worst outcomes:

- **A pregnant person could face a murder or manslaughter criminal investigation for a miscarriage or stillbirth**—57% believe this is likely, including 25% who believe this is extremely likely.
 - 75% believe this is a bad thing, including 57% who believe it is one of the worst things that could happen.
- **A pregnant person could be denied care, like cancer treatment or emergency care**—53% believe this is likely, including 26% who believe this is extremely likely.
 - 78% believe this is a bad thing, including 56% who believe it is one of the worst things that could happen.
- Giving legal rights to fetuses and embryos could **ban methods of birth control**—56% believe this is likely, including 26% who believe this is extremely likely.
 - 72% believe this is a bad thing, including 50% that believe it is one of the worst things that could happen.
- Giving legal rights to fetuses and embryos could **ban in-vitro fertilization (IVF)**—49% believe this is likely, including 21% who believe this is extremely likely.
 - 70% believe this is a bad thing, including 42% who believe it’s one of the worst things that could happen.
- Giving legal rights to fetuses and embryos could **require health care providers to share pregnant people’s personal health information with the government**—59% believe this is likely to happen, including 29% who believe it is extremely likely.
 - 66% believe this is a bad thing, including 42% who believe it is one of the worst things that could happen.

Some of these consequences for giving legal rights to fetuses and embryos are already happening. It appears that the most believable consequences are those that the nation has been grappling with since the Supreme Court overturned the constitutional right to abortion: abortion bans taking effect across the country and pregnant patients being denied emergency care, leading to horrific, and sometimes deadly, consequences. In contrast, it appears that people are generally unaware of efforts to use the legal strategy of giving legal rights to fetuses and embryos as a way to attack fertility and birth control care, and weaponize private medical information to criminalize pregnant people.

The following are a few examples of where anti-abortion advocates are introducing legal rights for fetuses and embryos and how people are already experiencing the harmful consequences:

Criminalization of pregnant people experiencing pregnancy loss:

- In 2023, a [woman in Ohio](#) miscarried a pregnancy at home in her bathroom. She was then charged with felony “abuse of corpse,” because law enforcement interpreted the word “corpse” to include fetal remains.
- In southern Georgia in 2025, emergency personnel were called [to help a woman](#) who was unconscious and bleeding after experiencing a miscarriage. While providing emergency care, a third party told the emergency personnel that the woman had disposed of the fetus in the dumpster. Law enforcement subsequently arrested and charged the woman with concealing the death of another person and abandonment of a dead body. While the charges were ultimately dropped, the woman was put through the needless trauma of being arrested and charged while recovering from miscarriage.

Ending the Availability of Fertility Care:

- In early 2024, the Alabama State Supreme Court ruled that civil liability for wrongful death applies to frozen embryos and frozen embryos can be considered children under state law. Immediately after the ruling, almost all fertility care offered in the state of Alabama completely shut down and [has only somewhat recovered](#) after state lawmakers changed the state law that led to the Alabama Supreme Court’s decision.

Banning Methods of Birth Control:

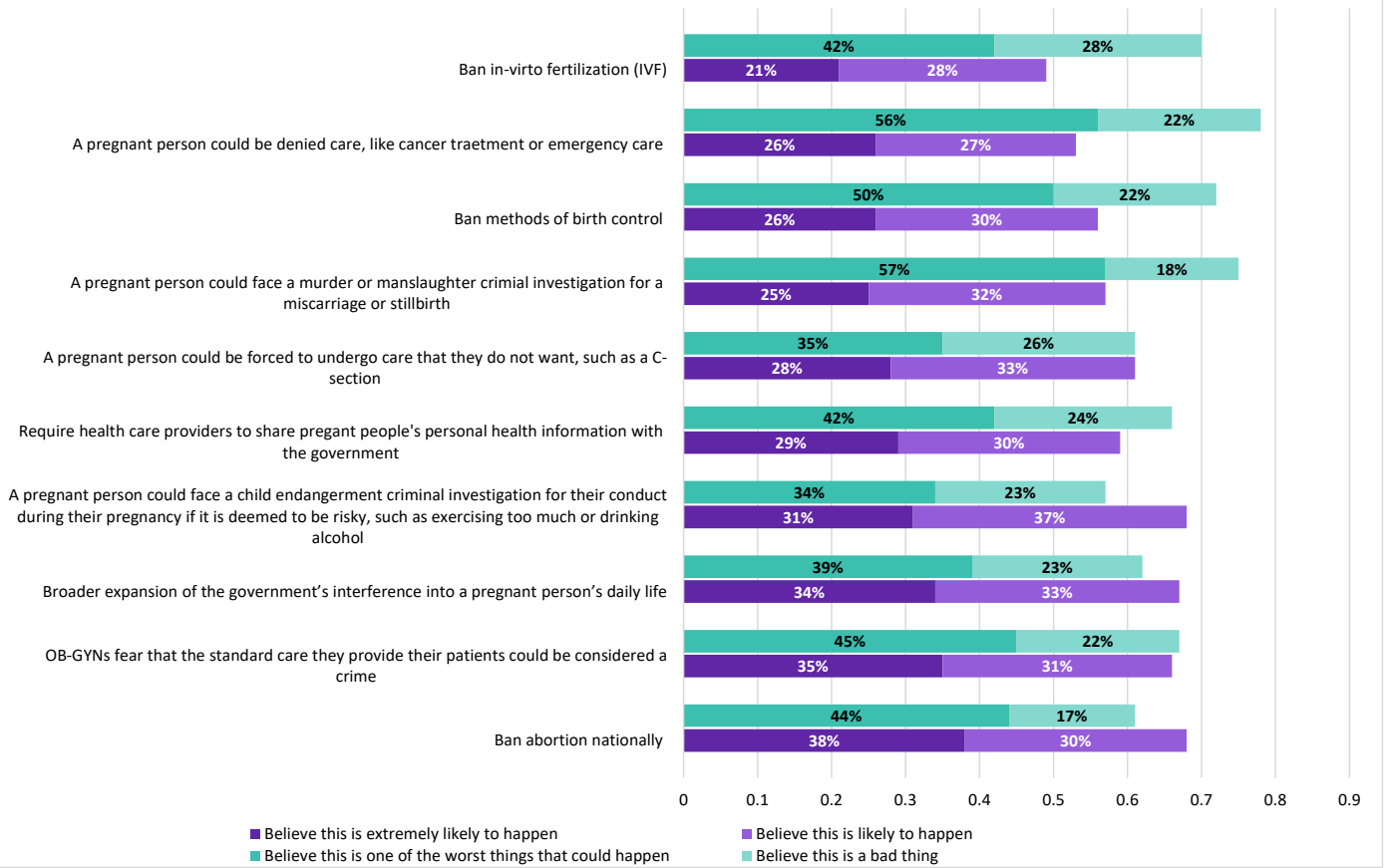
- Personhood ballot initiatives and legislative text often define life as beginning at “fertilization.”¹ Such language creates significant uncertainty around what that would mean for birth control, since those opposed to abortion have made clear that they consider certain forms of birth control, including IUDs and emergency contraception, to be abortifacients.² For example, Hobby Lobby, the employer at the center of the challenges against the Affordable Care Act’s birth control coverage requirement, objected to emergency contraception and IUDs, claiming they are abortifacients. More recently, state lawmakers have made similar claims, trying to remove these methods from legislation meant to expand birth control access.³
- This purposeful conflation of birth control methods with abortion helps to explain why certain methods of birth control are threatened by the legal strategy to assign rights to embryos and fetuses, particularly when legislation establishes rights beginning “at fertilization”. Take, for example, South Carolina, where a lawmaker introduced a bill that would amend the state’s existing abortion ban to wholly outlaw abortion and impose stiff criminal penalties to protect “the unborn”.⁴ The bill narrowly defines “contraception” and “contraceptive” as those methods only that prevent fertilization. The sponsor made clear that the goal of the bill was to give rights at “fertilization”: “I don’t see how any of us could be satisfied with having a law on the books that does not actually protect human life beginning with the biological beginnings of human life, which is fertilization”.⁵

Forcing health care providers to share pregnant people’s personal health information with the government:

- Citing the need to protect the “legal status” of fetuses, among other reasons, an anti-abortion judge [struck down a rule](#) protecting pregnant people’s health information, increasing the risk of criminalization. This means providers may be forced to share sensitive medical information for the purposes of a criminal investigation into a pregnancy outcome.

Read the full report [here](#).

How Respondents Feel About the Consequences of Giving Legal Rights to Fetuses and Embryos



- 1 See, for example, Mississippi voters rejected a 2011 personhood ballot that would have provided: “Initiative #26 would amend the [Mississippi Constitution](#) to define the word ‘person’ or ‘persons’, as those terms are used in Article III of the state constitution, to include every human being from the moment of fertilization, cloning, or the functional equivalent thereof.” The Life at Conception Act, introduced in the House of Representatives, would provide that: “the right to life guaranteed by the Constitution is vested in each human being”, further defining “human being” as “each and every member of the species homo sapiens at all stages of life, including the moment of fertilization, cloning, or other moment at which an individual member of the human species comes into being.” See H.R. 722.
- 2 Nina Totenberg, “Hobby Lobby Contraceptive Case Goes Before Supreme Court,” NPR, (March 25, 2014), <https://www.npr.org/2014/03/25/293956170/hobby-lobby-contraceptive-case-goes-before-supreme-court>; see also Olga Khazan, “Here’s Why Hobby Lobby Thinks IUDs Are Like Abortion,” The Atlantic, (March 12, 2014), <https://www.theatlantic.com/health/archive/2014/03/heres-why-hobby-lobby-thinks-iuds-are-like-abortions/284382/>; and Mabel Felix, Laurie Sobel, Alina Salganicoff, “The Right to Contraception: State and Federal Actions, Misinformation, and the Courts,” KFF, (May 23, 2024), <https://www.kff.org/womens-health-policy/issue-brief/the-right-to-contraception-state-and-federal-actions-misinformation-and-the-courts/>.
- 3 In 2024, an Indiana state representative introduced a bill that would actually expand contraceptive access to individuals enrolled in Medicaid. It requires hospitals to stock longacting reversible contraceptives (LARCs) as an option for provision to postpartum Medicaid enrollees before they are discharged from the hospital after giving birth.⁴¹ But the bill was amended after a concerted effort by the Indiana Right to Life to carve out IUDs, based on the false claim that IUDs cause abortions. The bill was signed into law in March 2024 with that carveout, limiting access to a critical method of safe, highly effective birth control for Medicaid enrollees. Mary Claire Molloy & Peter Blanchard, Indiana Birth Control Bill is Stripped of IUDs After Anti-Abortion Group Met With Lawmakers, Mirror Indy (Feb. 22, 2024) <https://mirrorindy.org/indiana-birth-control-bill-anti-abortion-iudsimplant/>.
- 4 South Carolina Legislature, Session 126 (2025-2026) <https://www.scstatehouse.gov/billsearch.php?billnumbers=323>.
- 5 Anna Claire Vollers, “GOP lawmakers push to charge women with homicide for seeking abortions,” Stateline, (March 6, 2025), <https://stateline.org/2025/03/06/gop-lawmakers-push-to-charge-women-with-homicide-for-seeking-abortions/>.