



APRIL 2025 | FACT SHEET

How to Talk About the Legal Strategy to Give Rights and Benefits to Fetuses and Embryos

(also known as “fetal personhood”)

Focus on the uniqueness and complexity of pregnancy and people’s need for freedom to make decisions without government interference or intrusion.

One Size: Each pregnancy is unique, with complex circumstances that can change at any point along the way. This is why one size fits all laws regulating pregnancy do not work. People need the freedom to make decisions, including whether to use IVF to become pregnant, use birth control to prevent pregnancy, or have an abortion to end a pregnancy, without the government interfering. Giving rights to fetuses and embryos would take away this freedom and require the government to interfere. We should put the pregnant person in charge, it’s wrong when others make those decisions.

Beliefs Not Laws: There is a difference between my personal beliefs and laws that apply to all of us, and my personal beliefs do not mean I think the government should interfere in a pregnant person’s life. My belief doesn’t mean I want the government investigating them when something goes wrong in their pregnancy or when they decide to have an abortion. Being pregnant should not mean that you have less rights.

Control: Women can’t be truly equal if they don’t have control over their own bodies and reproductive lives, including the decision about whether to have an abortion. These efforts to give rights to fetuses is about controlling women and returning back to a time when women could not make decisions about their bodies, futures, and destinies. When they couldn’t get a no-fault divorce or have access to birth control to control their fertility. Women cannot be equal participants in society without these freedoms.



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Voters also agree with statements that focus on concerns about giving legal rights to embryos and fetuses directly. These statements either contrast pregnant people's rights with fetuses' rights, distinguish between personal beliefs and laws, or focus on the values of freedom and rights.**

- Giving rights to fetuses would take away pregnant people's rights to make all kinds of decisions about their pregnancy.
- Giving rights to fetuses takes away our ability to make our own decisions about our bodies, lives, and futures and opens the door to government intrusion into pregnancy in unprecedented ways.
- There is a difference between personal beliefs and laws, and my personal beliefs on when life begins do not mean the law should give legal rights to embryos or fetuses.
- Giving rights to fetuses would take away pregnant people's freedom to make all kinds of decisions about their pregnancy.

Avoid using the phrase "fetal personhood" and instead explain what the legal strategy is when talking about its harms.

The strongest statements against criminalizing pregnant people with substance use disorder orient the problem as a health crisis that can be met through health care.

Health Response We can agree that pregnant people with a substance use disorder need support. Having a substance disorder is not a crime. The American Medical Association, American Academy of Pediatrics, March of Dimes, the American College of Obstetricians and Gynecologists, and the National Organization on Fetal Alcohol Syndrome have all similarly strongly critiqued punishing pregnant people because it makes pregnant people too scared to seek help and leads to worse outcomes for the mother and the fetus. Health care and mental health treatment result in better outcomes for both moms and babies.

Imagine Imagine a world where pregnant people with substance use disorder aren't treated differently or locked away for having a disease but offered health care treatment and other support. Where law enforcement is interested in making sure pregnant women get better, not locked up. Where they can keep their family, regain their footing in life, and thrive. As a country, we can make this a reality, but it depends on us ensuring pregnant people with substance abuse disorders are treated with kindness and compassion, not suspicion and handcuffs.