HC BILL 28-14

Nuxart’s Abortion Act of 2026

An Act to amend the Civil Code of the Totemian Empire to establish the Theory of Unconsulted Reproductive Choice; legalize abortion at every stage before the commencement of physical departure from the pregnant person's body; recognize the pregnant person's decisive authority; establish protection against unlawful harm to pregnancy and duties concerning the future child where a pregnancy is continued toward birth; and make related provision for criminal law, healthcare, consent, and remedies.

BILL · 28TH TOTEMIAN PARLIAMENT

Introduced October 31st, 2026

Nuxart (Member of the House of Commons, The Birthday Party)

Nuxart’s Abortion Act of 2026

Introduced By: Nuxart (The Birthday Party)

Date: October 31st, 2026

Be it enacted by the Parliament of the Totemian Empire, duly assembled, with the assent of the Emperor, as follows:

Purpose and Scope

An Act to amend the Civil Code of the Totemian Empire to establish the Theory of Unconsulted Reproductive Choice; legalize abortion at every stage before the commencement of physical departure from the pregnant person's body; recognize the pregnant person's decisive authority; establish protection against unlawful harm to pregnancy and duties concerning the future child where a pregnancy is continued toward birth; and make related provision for criminal law, healthcare, consent, and remedies.

Chapter 1 - Theory of Unconsulted Reproductive Choice

Section 1: Insertion into the Civil Code

Title 1 of the Civil Code of the Totemian Empire is amended by inserting Chapter 8, Abortion, Selfishness, and Prospective Responsibility, immediately after Chapter 7, Equality and Protection Against Discrimination, as inserted by the Revised Discrimination Act of 2026, and before Title 2, to read:

Chapter 8 - Abortion, Selfishness, and Prospective Responsibility

Article 1: Theory of Unconsulted Reproductive Choice

Section 1: Unconsulted Reproductive Decisions

The Theory of Unconsulted Reproductive Choice recognizes that bringing a human being into existence and terminating a pregnancy are both selfish reproductive decisions, because neither is made following consultation with, or consent obtained from, the unborn human being whose existence is affected.

Choosing birth is selfish because one or more persons pursue their own wish to create or bring about another human being without consulting that human being. Choosing abortion is likewise selfish because the decision to end the pregnancy is made without consulting the unborn human being.

The impossibility of obtaining meaningful consent from an unborn human being does not make either reproductive decision unlawful. It establishes why the law must assign the authority to make that decision and the responsibilities which arise from it.

Section 2: Legal Meaning of Selfishness

For purposes of this Chapter, selfishness means exercising a personal wish, preference, or interest over whether a human being will be brought to birth, where the unborn human being has not been and cannot meaningfully be consulted about that outcome.

Section 3: The 2 Legal Consequences of the Theory

The Theory of Unconsulted Reproductive Choice produces 2 connected but distinct rules:

(a) the Principle of Abortion, under which the pregnant person has decisive authority to choose whether pregnancy continues or terminates before the legal boundary of birth; and

(b) the Principle of Prospective Responsibility, under which the selfish and unconsulted decision to bring a human being into existence creates duties to avoid deliberately or recklessly inflicting serious, preventable harm on the future person, subject to the express safeguards of this Chapter.

The abortion right under Article 2 shall prevail over a conflicting duty under Article 4.

Section 4: Moral Judgments Concerning the Taking of Life

The moral judgment that killing is wrong is not uniformly applied across all circumstances. A person may condemn the taking of human life generally while accepting or defending it in circumstances involving self-defense, defense of another, punishment imposed by the State, or personal retribution. Other persons may reject any or all of those justifications.

These differing judgments demonstrate that assessments of right and wrong concerning the taking of life are shaped by personal beliefs, ethical principles, circumstances, and competing interests. The Theory of Unconsulted Reproductive Choice does not presume that a single moral answer to those circumstances is universally accepted.

This difference in moral judgment is part of the philosophical background to the allocation of reproductive authority under Article 2. The theory does not require the question whether an embryo or fetus is a human being to be answered in a particular way before identifying who may decide whether a pregnancy continues.

Section 5: Entrusted Parental Authority and Developing Self-Government

The decision to bring a child into existence creates responsibilities toward an independent human being, not ownership of that human being. A child born alive possesses their own dignity, interests, and rights. Because a child cannot initially govern every aspect of their own affairs, the law entrusts parents or lawful guardians with responsibility and authority for care, protection, education, guidance, and decisions that the child is not yet able to make independently.

That authority is exercised on the child's behalf and for the child's welfare and development, rather than as a parental right of possession or permanent control. It shall be exercised consistently with Title 1, Chapter 7, Article 12, including the duty to consider the child's views according to their understanding and evolving capacities.

As the child develops, parental or guardian authority shall progress from direct protective decision-making to supported participation, shared decisions, and increasing independence in matters the child is capable of understanding and managing. Capacity may develop differently across different matters. Parents and guardians shall recognize that development and shall not withhold lawful independence solely to preserve their own control.

Full independent legal self-government shall arise under the applicable rules governing majority, legal capacity, or an expressly recognized means of earlier independent status. Until that time, parental and guardian powers and duties remain subject to the law governing custody, care, consent, safeguarding, and capacity. This Section does not itself confer unrestricted legal capacity, displace a lawful age requirement, or extinguish continuing duties imposed by law.

Article 2: The Principle of Abortion

Section 1: Reproductive Authority

The decision to create and bring a human being into the world ordinarily arises from the choices of prospective parents. The ability to make that selfish and unconsulted choice includes the liberty to revoke the choice before birth by terminating pregnancy.

This rule applies equally where conception was unintended, accidental, or resulted from rape, sexual coercion, incest, or any nonconsensual act. A person shall not lose authority over pregnancy because they were not a willing participant in its creation.

Consent to intercourse, conception, marriage, or an earlier intention to become a parent shall not be treated as irrevocable consent to continue pregnancy.

Section 2: Final Authority of the Pregnant Person

Although prospective parents may ordinarily share a wish to bring about a child, the person carrying the pregnancy has exclusive and decisive legal authority whether to continue or terminate it, because that person experiences the pregnancy and childbirth within their own body.

No spouse, partner, biological parent, prospective parent, family member, guardian, religious authority, or state organ possesses a veto or right of compelled consultation over that decision.

For this Chapter, a pregnant person is the human being whose body carries the pregnancy. The terms birthing person and person carrying the pregnancy refer to that same individual.

Section 3: No Dispute Over Fetal Classification Required

The right to abortion does not depend upon whether an embryo or fetus is described as a cell, organism, human life, human being, person, or any other biological, moral, religious, philosophical, or legal category.

No such classification or disagreement concerning it shall by itself defeat or limit the right. The Theory of Unconsulted Reproductive Choice determines who may make an unconsulted reproductive decision without requiring the law to resolve what the embryo or fetus is.

Section 4: Definition of Abortion and Right at Any Stage

Abortion means the intentional termination of a pregnancy by a medical or other intervention initiated while the embryo or fetus remains wholly within the pregnant person's body. The definition concerns the intervention's purpose and timing, including where expulsion or removal occurs afterward.

Every pregnant person may request, consent to, and obtain an abortion at any stage of pregnancy before physical departure begins under Article 3.

No limit based on gestational week or month, trimester, fetal development, fetal viability, medical indication, personal reason, selfish motive, or circumstances of conception shall restrict the right.

No person shall be required to prove rape, incest, medical emergency, hardship, or another prescribed justification. Third-party approval, compulsory ideological or religious counseling, and unnecessary waiting periods shall not be required.

Section 5: Freedom to Choose Birth

The same authority protects the pregnant person's decision to continue pregnancy and bring the future child to birth. No authority may compel abortion because it considers the pregnant person's motives selfish or disapproves of the future child's expected circumstances.

Article 3: Boundary Between Abortion and Childbirth

Section 1: Commencement of Physical Departure

Physical departure begins at the first emergence of any part of the embryo or fetus beyond the outside of the pregnant person's body during birth or medical extraction. The legal boundary is first emergence, rather than complete delivery.

Labor, preparations for delivery, and movements or procedures taking place wholly within the pregnant person's body do not constitute physical departure.

Section 2: Legal Boundary

Abortion may be initiated at any stage before physical departure begins. From first emergence, a new act directed against the emerging human is governed by the applicable laws concerning unlawful injury, homicide, medical care, and protection of children.

The subsequent delivery or removal following a lawful abortion does not alter the legality of that abortion. Care during physical departure remains governed by Section 4.

Section 3: Protection and Autonomy of Children

A living human undergoing physical departure receives the protection of Title 7, Chapter 8 against unlawful injury. A child born alive possesses independent dignity, thoughts, interests, beliefs, opinions, and developing autonomy. The child shall be treated as an individual rather than a parent's possession or extension. Parents and guardians shall exercise their authority for the child's care and welfare and give appropriate weight to the child's views and evolving capacities.

Section 4: Emergency Care

Necessary medical care during childbirth shall be provided in accordance with the pregnant person's informed consent and applicable clinical standards. Where required to prevent death or serious injury to that person, treatment may proceed despite foreseeable fetal death. A child born alive shall receive necessary medical care.

Article 4: Principle of Prospective Responsibility

Section 1: Consequence of Choosing Birth

Because the choice to bring a human being into existence is selfish and is made without the future person's consent, those who deliberately choose to bring about the birth shall not use their personal wishes as justification for unlawfully imposing serious, reasonably preventable injury upon that future person.

The law shall protect the opportunity of the child ultimately born to develop in health, dignity, and according to their abilities, with the aim of enabling the greatest attainable future potential.

Section 2: Protection Against Harm by Others

No other person may intentionally inflict unlawful violence on a pregnant person, administer a harmful substance without consent, deliberately poison the person, obstruct essential care through coercion, or deliberately expose the person to a serious and unjustifiable hazard for the purpose of harming the pregnancy or future child.

Where the ordinary elements of the offense established in Title 7, Chapter 10 are proved, a substantial risk of serious prenatal harm shall be criminal even if the pregnancy ultimately continues. Actual grave injury or pregnancy loss shall be an aggravating circumstance only where causation is proved.

Section 3: Limits on a Person Choosing to Continue Pregnancy

A pregnant person who freely chooses to continue pregnancy toward birth shall have a duty not to intentionally or recklessly inflict grave, preventable injury upon a future child through conduct separately defined as unlawful under Title 7, Chapter 10.

For this purpose, recklessness requires actual awareness of a substantial and unjustifiable risk of grave lasting injury and a voluntary disregard of that risk despite reasonably available safer alternatives.

No earlier decision to give birth shall prevent the pregnant person from changing that decision and obtaining a lawful abortion. The duties in this Section do not extend the duty to continue pregnancy.

Section 4: Support, Capacity, and Limits on State Intervention

Public authorities shall make appropriate prenatal care, accurate information, nutrition assistance where needed, and practical support reasonably accessible, so that a person who chooses to bring a child to birth can minimize preventable harm.

This Chapter shall not authorize compulsory cesarean delivery, forced medication, involuntary confinement, forced drug testing, forced medical examinations, or a court order prohibiting abortion. Medical treatment requires consent or independent lawful emergency authority.

Article 5: Consent, Care, and Civil Remedies

Section 1: Informed Consent and Reproductive Coercion

An abortion requires the pregnant person's free, specific, and informed consent, except when emergency treatment is independently authorized by law and valid consent cannot be obtained. No person may compel continuation or termination of pregnancy by force, threats, confinement, deception, retaliation, or abuse of authority.

Section 2: Young Persons and Capacity

A pregnant young person capable of understanding the nature and material consequences of abortion may consent independently. Age alone shall not confer reproductive authority upon another person.

Where valid consent cannot be given, applicable capacity and safeguarding law governs, taking account of the pregnant person's wishes, bodily integrity, and safety. Incapacity shall not itself amount to consent to an abortion.

Section 3: Access to Healthcare

Public healthcare authorities shall provide or arrange reasonably accessible lawful abortion care, prenatal care, emergency treatment, and aftercare according to appropriate clinical standards. No restriction based solely upon gestational age, fetal classification, or selfish motive may be imposed as a disguised ban.

Healthcare under this Chapter shall be provided on equal terms without discrimination. Medical privacy shall be protected.

Section 4: Remedies

A person whose rights under this Chapter are unlawfully denied or obstructed may seek a declaration, an injunction, effective restoration of access where feasible, and compensation for proven loss or injury from a court of competent jurisdiction.

Chapter 2 - Criminal Homicide Amendment

Section 1: Lawful Abortion

Title 7, Chapter 8, Article 2 of the Civil Code is amended by inserting Sections 3 and 4 immediately after Section 2, with Article 2 as amended to read:

Article 2: Criminal Homicide; Causation and Complete Justification

Section 1: Criminal Homicide and Causation

For purposes of Title 7, Chapter 8, criminal homicide occurs where a person causes the death of another and the conduct satisfies every element of an offense defined in Title 7, Chapter 8, Articles 3 through 7. Causation shall be determined under Title 7, Chapter 1, Article 1.

Section 2: Complete Justification and Limits on Consent

Conduct causing death is not criminal homicide to the extent that the conduct is completely justified by self-defense, defense of another, lawful military action, lawful execution of a sentence, or another complete justification expressly recognized by the Civil Code or superior law. Consent to death does not, standing alone, constitute a justification for intentional killing. A duel has justificatory effect only to the extent expressly authorized by Title 7, Chapter 8, Article 22 and, where intentional lethal force is contemplated, by the Imperial authorization required by that Article.

Section 3: Lawful Abortion

A lawful abortion under Title 1, Chapter 8 is authorized before physical departure begins. Its subsequent medical completion, including removal or delivery, is governed by Title 1, Chapter 8, Article 3.

Section 4: Protection During Physical Departure

For criminal offenses under this Chapter, a living human who has begun physical departure under Title 1, Chapter 8, Article 3 shall be treated as a person from first emergence. Liability for an act against that person shall be determined by the elements of the applicable offense, including culpability and causation.

Chapter 3 - Unlawful Prenatal Injury

Section 1: New Criminal Chapter

Title 7 of the Civil Code is amended by inserting Chapter 10 immediately after Chapter 9, Environmental, Public-Order, Animal, and Weapons Offenses, to read:

Chapter 10 - Unlawful Prenatal Injury and Future-Child Protection

Article 1: Unlawful Prenatal Endangerment by Another Person

Section 1: Elements

A person commits unlawful prenatal endangerment where, knowing another person is pregnant, the person intentionally commits an independently unlawful act of violence, poisoning, covert harmful administration of a substance, deliberate deprivation of necessary care, or another comparably dangerous unlawful act against that person, and consciously disregards a substantial and unjustifiable risk that the act will cause serious injury to the pregnancy or a child subsequently born alive.

Section 2: Aggravation

The offense is aggravated where the act causes a pregnancy loss, serious bodily injury to the pregnant person, or serious and lasting injury to a child subsequently born alive. The prosecution shall prove causation beyond a reasonable doubt.

Section 3: Penalties

The ordinary offense may be punished by either or both of the following:

(a) a fine not exceeding 100,000 SL;

(b) imprisonment not exceeding 60 calendar days.

The court may also order restitution and a connected privilege restriction not exceeding 365 calendar days.

Where the offense is aggravated under Section 2, the court may instead impose either or both of the following:

(c) a fine not exceeding 200,000 SL;

(d) imprisonment not exceeding 120 calendar days.

The court may also order restitution and a connected privilege restriction not exceeding 365 calendar days.

Article 2: Deliberate or Reckless Injury to a Child Subsequently Born Alive

Section 1: Elements

A pregnant person commits this offense only where the prosecution proves beyond a reasonable doubt that, while choosing to continue pregnancy toward birth, the person intentionally or recklessly undertook an independently unlawful act that created a substantial and unjustifiable risk of grave and lasting bodily injury to a future child; that a child was subsequently born alive; and that the act caused grave and lasting bodily injury to that child.

Recklessness requires proof that the person actually understood the substantial risk and voluntarily disregarded it.

Section 2: Exclusions

A lawful abortion, an attempt at lawful abortion, ordinary healthcare decisions, refusal of medical treatment, poverty, disability, substance dependence by itself, lawful medication, and failure to follow medical advice shall not constitute this offense without proof of all elements.

Section 3: Penalties

This offense may be punished by either or both of the following:

(a) a fine not exceeding 150,000 SL;

(b) imprisonment not exceeding 90 calendar days.

The court may also order restitution for proved injury and a connected privilege restriction not exceeding 365 calendar days.

Article 3: Relationship to Existing Offenses

Section 1: Protection of Abortion Rights

No lawful abortion under Title 1, Chapter 8 may be prosecuted as prenatal injury or endangerment.

Section 2: Existing Offenses and Duplicate Punishment

Applicable offenses concerning assault, criminal coercion, forced abortion, and injury to a child born alive remain enforceable on their own elements. A court shall avoid duplicate criminal punishment for the same harm.

END OF BILL