



TO: Senate Health & Human Services Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: December 12, 2017
RE: House Bill 214

To Chairman Burke, Vice Chair Beagle, Ranking Member Tavares, and members of the Senate Health & Human Services Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio (“ACLU of Ohio”) and I appear to present opponent testimony on House Bill 214.

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The ACLU of Ohio has opposed and testified against these Down syndrome ban bills at every relevant hearing, including when this committee recently passed an identical bill, Senate Bill 164. However, these past attempts to persuade various committees and the Ohio General Assembly to not pass blatantly unconstitutional bills have proven unsuccessful and we have no reason to believe this attempt will be any different.

Still, we feel compelled to briefly update our testimony with the following three points:

First, HB 214 is so extremely broad it criminalizes abortions when there is a) test result indicating Down syndrome, b) a prenatal diagnosis of Down syndrome, c) any reason whatsoever, no matter how unscientifically impossible and no matter how irrational, to believe a fetus has Down syndrome. This final point applies even if this belief constitutes a mere 1% of the reason a woman seeks an abortion.

Second, we feel it is always useful to remind the committee this particular restriction and others like them continue to be struck down – without exception – by courts across the country. This includes laws regarding other genetic anomalies, so-called “Heartbeat” bills, and legislation to ban certain procedures, among numerous others. House Bill 214 will be no different as it is a radical departure from court jurisprudence regarding reproductive rights.

Finally, it is always worth noting what goes ignored or unresolved while Ohio continually drafts, introduces, debates, and passes unconstitutional laws. In 2015, just over 3,000 Ohioans overdosed and died from illegal drugs. 2016 saw a 36% increase in that number, with at least 4,149 dying. These figures make Ohio *first* among all fifty states, an unwanted and dubious distinction, to say the least.

Unfortunately, 2017's numbers will surely surpass 2016's. The only question is by how much.

Members of the Senate Health & Human Services Committee, we urge you to oppose House Bill 214 and turn your attention to efforts desperately in need of your attention that will make positive impacts in the lives of your constituents and all of Ohio.