



AMERICAN CIVIL LIBERTIES UNION

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TO: Senate Health, Human Services & Medicaid Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: December 5, 2018
RE: Amended Substitute House Bill 258 – Opponent Testimony

To Chairman Burke, Vice Chair Beagle, Ranking Member Tavares, and members of the Senate Health, Human Services & Medicaid Committee, thank you for this opportunity to present opponent testimony on Amended Substitute House Bill 258.

The ACLU of Ohio has opposed and testified against the so-called “Heartbeat Bill” every time it has been introduced. 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 two points:

First, proponents claim HB 258 would ban abortions when a fetal heartbeat can be detected, approximately six weeks into a pregnancy. However, that claim is misleading. HB 258 bans all abortions in the State of Ohio. This is because the time a fetal heartbeat is able to be detected is about as early as abortions can be performed, after confirmation of the pregnancy and following a woman’s last menstrual period. So, referring to this legislation as a “heartbeat” bill is inaccurate and it should be called exactly what it is – a total ban on all abortion in Ohio.

Second, in past hearings on this total abortion ban and similar legislation, the ACLU of Ohio typically reminds committees these measures go far beyond what courts deem to be acceptable restrictions or regulations. Of course, this time is no different.

Arkansas passed a so-called “heartbeat” bill that applied after 12 weeks. It was struck down in federal district court. The appellate court affirmed that decision. The U.S. Supreme Court refused to hear an appeal. North Dakota passed a total ban “heartbeat” bill. It was struck down in federal district court. The appellate court affirmed that decision. The U.S. Supreme Court refused to hear an appeal. Iowa recently passed their own version. The district court issued an injunction against it. Litigation is ongoing

This same pattern repeats itself across states sued for bans on abortion when fetal abnormalities are detected, such as Down syndrome. No different for states that ban the dilation and evacuation method of abortion. Again and again, federal and state courts issue injunctions against these radical bills and strike them down.

Members of the Senate Health, Human Services & Medicaid Committee, we urge you to oppose House Bill 258 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.