



Testimony of Jaime Miracle
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Senate Health, Human Services, and Medicaid Committee
House Bill 258
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Chairman Burke, Ranking Member Tavares, and members of the Senate Health, Human Services and Medicaid Committee, my name is Jaime Miracle and I am the deputy director of NARAL Pro-Choice Ohio. I am here to testify on behalf of our more than 50,000 members and activists against HB 258.

I wish I could say that I am happy to see you all again today. But that couldn't be further from the truth. To be back in this statehouse delivering testimony on a bill to ban abortion as early as six weeks into pregnancy (for the sixth time), is a complete waste of time. This six week ban is completely unconstitutional, as are all of the abortion restrictions and bans pending in the Ohio Legislature. The fact that this body spends so much time passing unconstitutional abortion bans while trying to pretend that it is a good steward of taxpayers' dollars is shameful. Wasting taxpayers' dollars passing unconstitutional bills and then wasting even more of it defending these bills against legal challenges is not good stewardship of our tax dollars.

As I have stated in previous testimony, the facts couldn't be more crystal clear. H.B. 258 is a direct challenge to *Roe v. Wade*, an effort to put Ohio at the center of one of our nation's most contentious and costly legal battles. We are here today because some activists and lawmakers want to turn back the clock for Ohio women to a time when the most basic decisions about their futures and their families were made by politicians. **Proponent testimony claimed that the legal underpinnings of *Roe* are weak, and argued the constitutional right to privacy that encompasses a woman's right to choose is radical and unsupported by our nation's legal history.** Quite the contrary: The right to privacy is a fundamental constitutional right, and its inclusion of a woman's right to choose evolved necessarily from decades of legal precedent. Let's take this recent quote for example,

"The fact that men, myself included, are determining how women may choose to manage their reproductive health is a sad irony not lost on the Court. As Sarah Weddington argued to the nine men on the Supreme Court in 1971 when representing "Jane Roe," "a pregnancy to a woman is perhaps one of the most determinative aspects of her life." As a man, who cannot get pregnant or seek an abortion, I can only imagine the anxiety and turmoil a woman might experience when she

decides whether to terminate her pregnancy through an abortion. Respecting her autonomy demands that this statute be enjoined.”¹

Was this an abortion rights activist arguing before a court? No this was U.S. District Judge Carlton W. Reeves in his decision blocking Mississippi’s 15-week abortion ban. This is just the latest in a long line of court decisions reaffirming *Roe’s* central holding over the last 44 years.² In 1992 the U.S. Supreme Court noted in *Planned Parenthood of Southeast Pennsylvania v. Casey* that “[t]he soundness of this ... analysis is apparent from a consideration of the alternative.”³ Without a privacy right that encompasses the right to choose, the Constitution would permit the state to override not only a woman’s decision to terminate her pregnancy but also her choice to carry the pregnancy to term.⁴

Arkansas, Iowa, and North Dakota have passed bans similar to HB 258. All of these bills were blocked by lower court judges and the U.S. Supreme Court refused to even hear arguments in any of these cases. In 2016 the U.S. Supreme Court once again robustly reaffirmed protections for access to abortion care in *Whole Women’s Health v. Hellerstedt*, a 5-3 decision to block sweeping restrictions on abortion access passed by the Texas legislature in 2013.

The majority opinion in *Whole Women’s Health vs. Hellerstedt* states “We conclude that neither of these provisions offers medical benefits sufficient to justify the burdens upon access that each imposes. Each places a substantial obstacle in the path of a woman seeking a previability abortion, each constitutes an undue burden on abortion access, and each violates the Federal Constitution.”⁵

In *Whole Women’s Health v. Hellerstedt* the court made it clear that in order for any regulation to not be an undue burden, the state must prove that the protections for the health of women must be outweighed by the burden imposed on women who need access.

This bill most certainly poses a large burden on access to previability abortion care. By banning abortion at a point in pregnancy before most people even realize they are pregnant, it will block nearly all access to abortion care in our state. But the sponsors of this bill can show no evidence that it will improve the health of women in our state. In fact, this bill will put the lives of Ohioans at risk by forcing women to continue pregnancies against their will, or to travel out of state to access care, or be forced to go to unlicensed, unregulated illegal providers to end their pregnancy.

¹ *Jackson Women’s Health Organization v. Mary Carrier*, U.S. District Court, Southern District of Mississippi (2018)

² See, e.g., *Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. 416 (1983); *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986); *Casey*, 505 U.S. 833 (1992), cf. *Lawrence v. Texas*, 539 U.S. 558 (2003).

³ *Casey*, 505 U.S. at 859.

⁴ *Casey*, 505 U.S. at 859.

⁵ *Whole Women’s Health* 136 S. Ct at 2292

One in four women will have an abortion at some point in her life.⁶ They are the women who raise our children and who care for our elderly parents. They work in our offices and factories. They pay taxes, and they vote. They are leaders in our churches, our schools, and our government. They are the backbone of our families and our state. And yet the sponsors of this bill do not trust them.

Why do I say that? Because if they trusted the women of Ohio, as I do, this committee would realize that it does not know enough about the particular situation of each of these women to make this decision for them. We will hear from many of these women today in committee. I hope that when you listen to their stories, you will understand how having access to abortion impacted their lives. How their lives would be different if this legislature had blocked them from getting access to the health care services they needed. How each of their situations was unique and that there is no way that this body should be making decisions for them.

I myself have a friend who most likely would not be alive, nor would her wonderful 12 year old daughter, if this bill was in place in 2004 when she faced life threatening complications in her pregnancy. If her doctors had to jump through hoops, get approval to terminate her pregnancy and prove that my friend was about to die to satisfy this proposed law instead of immediately rolling her into a surgical suite she would probably not be here today.

If this committee wishes to spend its time on the issue of abortion and reproductive healthcare access may I suggest passing bills that actually improve the health and wellbeing of women and families in our state? Let's all come together to increase comprehensive, medically-accurate sexuality education and provide better access to family planning services. Let's look at real solutions to our alarming infant mortality crisis, and our maternal mortality crisis. The United States is the only developed country in which the maternal mortality rate is increasing instead of decreasing. That is what this body should be focused on. Let's look at policies that make people healthier, not limit their access to care and put their lives at risk.

For all of these reasons, NARAL Pro-Choice Ohio urges a "no" vote on H.B. 258.

⁶ Jones, R. K., & Jerman, J. (2017). Population Group Abortion Rates and Lifetime Incidence of Abortion: United States, 2008–2014. *American Journal of Public Health*, 107(12), 1904-1909. Retrieved December 4, 2017, from <http://ajph.aphapublications.org/doi/10.2105/AJPH.2017.304042>