

Testimony of Janet Porter
Ohio House Health Committee - March 19, 2019
Proponent of S.B.23, the Heartbeat Bill

Thank you, Chairman Merrin, Vice Chairman Manning, Ranking Member Boyd, and members of the Health Committee for the opportunity to testify in favor of SB 23, the Heartbeat Bill. And thank each of you who have joined Representatives Ron Hood and Candice Keller in co-sponsoring the Heartbeat Bill as well as all those who've voted for the Heartbeat Bill—most multiple times.

Ohio was the very first state in the nation to consider the pro-life Heartbeat bill, back in 2011. Since then, Heartbeat Laws have passed in Arkansas (2013), North Dakota (2013), Iowa (2018), Kentucky, which was signed into law on Friday by Governor Matt Bevin, and Mississippi, which is awaiting the promised signature of Governor Phil Bryant who said he wants "Mississippi to be the safest place for an unborn child in America."

Since we began the effort to protect our fellow human beings with detectable heartbeats, 21 states have introduced Heartbeat Bills including Missouri, Georgia, and Tennessee, who have each passed the Heartbeat Bill through their House, and Florida, Texas, South Carolina, West Virginia, Rhode Island, Illinois, Maryland, New York, Minnesota, and in the U.S. Congress, where Heartbeat Bills are currently pending.

While we had veto-proof margins last December in the House, we fell one vote short of overriding the second veto of Governor Kasich, in the Senate. Thankfully, we now have a pro-life governor. Governor Mike DeWine has promised to sign the Heartbeat Bill into law, which will now only require a simple majority—already present with 50 co-sponsors on Representative Ron Hood and Candice Keller's companion bill in the House.

There is not a Heartbeat Bill in America which has had more attention, more testimony, more fine-tuning. We've had nearly a decade of testimony. Nearly a decade of delay which has cost the lives of hundreds of thousands—the equivalent of stadiums full—of innocent children. We can't afford another minute of delay.

The bill is right. The votes are there. The Governor will sign it. The time to pass the Heartbeat Bill is now.

It's common sense. We all know it. The human heartbeat is the first sign and universally accepted indicator of life.

It's the reason we instinctively check for a pulse to determine if someone is alive. It's why every hospital in America has a heart monitor, and why we've never been to the funeral of someone with a heartbeat. It's because if there's a heartbeat, there's life.

Since our first Heartbeat hearing where 9-week-old unborn Baby Haley's beating heart was seen and heard via ultrasound, those fighting the Heartbeat Bill have been denying science and fighting technology. By the way, just the publicity from that hearing saved at least one life that we know about. A little boy named Aiden, now seven years old, whose life-ending abortion appointment was cancelled because his mother heard about his beating heart. What was previously seen as a "problem" became the greatest blessing of her life.

We found the same thing in Congress. When we brought in the youngest to ever "testify"—18-week unborn Baby Lincoln—before the U.S. House Judiciary Committee via ultrasound. When the committee saw and heard his beating heart, even the protesters were silent. One, who had previously been disruptive, was wiping away tears. That's where I learned that the sound of a baby's heartbeat can soften even the hardest of hearts.

The Ohio Heartbeat Bill (S.B. 23) legally recognizes the "SOS" being sent with each heartbeat from the youngest members of our human family. To deny a heartbeat is to deny science. To ignore it is heartless.

After 46 years, there is finally an abortion bill upon which America agrees. The Heartbeat Bill makes so much sense, that a recent George Barna poll found that that sense is actually "common."

S.B. 23 ensures if a heartbeat is detected, the baby is protected. And seven out of ten people in America agree with it, according to Barna, most of them "strongly." Those who oppose the Heartbeat Bill are not only at odds with science, they are at odds with the country.

Eighty-six percent of Republicans support the Heartbeat Bill. Six out of ten Independents favor it. And even a majority of *Democrats* (55 percent) support the Heartbeat Bill.

That's because every single excuse for delay is gone. With the appointments of Justices Gorsuch and Kavanaugh to the Supreme Court, there is a pro-life majority, expected to increase next year.

I can tell you what the Eighth Circuit Court of Appeals said, but all we really need to do is count to five—the number of pro-life judges already on the Supreme Court, with more expected soon.

While the Eighth Circuit Court was bound by precedent to turn down the Arkansas and North Dakota Heartbeat Laws, they asked the Supreme Court to take up the case, arguing that it should be the states who decide. The Eighth Circuit Court rightly declared that "heartbeat" is a "more certain and consistent" indicator of life than the one the Supreme Court is currently using: viability.

The Supreme Court has said the states can protect human life if there's a likelihood of survival to live birth. But the indicator they're using now is a lousy one. In "[Life, Heartbeat, Birth: A Medical basis for Reform](#)," Constitutional Law Professor David Forte points out that the determination of viability can be as much as 90 percent wrong. On the other hand, an unborn child with a detectable heartbeat has a 95-98 percent likelihood of survival to live birth.

Heartbeat is the *most accurate* indicator of whether a child in the womb will survive to live birth. That means the court can simply move the line of allowable legal protection to a place that is more in keeping with its intent—heartbeat.

We now have what the Eighth Circuit called a "more consistent and certain marker" than viability, the Supreme Court's current arbitrary and unscientific standard to allow legal protection.

We are simply handing them a more accurate yardstick. Once a heartbeat is detected in an unborn child, that child is not only shown to be currently alive, he or she is virtually certain to be born. That is precisely what the Supreme Court is looking for, and with the Heartbeat Bill, they will have it with scientific certainty.

After nearly a decade of hearings and debate, you know the Heartbeat Bill will do. It will legally protect unborn children whose heartbeats can be detected by a doctor except to save the life or physical health of the mother. S.B. 23 will:

- 1.** TEST Requires physicians (according to standard medical practice) to determine whether the unborn child has a detectable heartbeat.
- 2.** INFORM the mother the results of that determination, and
- 3.** PROTECT each unborn child with a detectable heartbeat except to save the life or physical health of the mother.

For those who say, “it could cost tax-payers money,” as former Attorney General Mike DeWine stated before being elected Governor, defending Ohio law “is my job.” That’s what we pay the Attorney General to do. In addition, Mat Staver, Chairman of Liberty Council, and former Dean of Liberty University School of Law has offered to defend the Ohio Heartbeat Law for FREE, just as he did in Arkansas, North Dakota, and Iowa.

And while we’re talking about the financial bottom line, it was the first Heartbeat Bill hearing back in 2011 where financial expert Jerry Tuma, President of Cornerstone Financial Services, explained the economic gain to the state in the hundreds of millions of dollars beginning durable goods such as cribs, strollers, and high chairs to items such as diapers, baby food, and toys. Tens of thousands of children saved means an employment boost across the board beginning with clothing manufacturers and sales, food services and teachers. Not to mention *taxes*.

The legal protection provided by S.B. 23 will ensure that instead of abortion stopping a beating heart, a beating heart will stop abortion. Heartbeat Bills are not only being introduced in states across the country, the federal Heartbeat Bill, H.R. 490, has been reintroduced in Congress. It is also being considered in other countries including Israel.

There may never be another bill to come before you which will save more innocent Ohio lives. After 46 years of marching, it’s time to actually do what we’ve been marching about. The common-sense Heartbeat Bill doesn’t go all the way to the finish line, but it’s a first step—a scientific step—upon which America agrees.

I urge the committee to heed the SOS our children are sending with each beat of their heart and pass S.B. 23—because to deny a human heartbeat is to deny science. To ignore it is heartless.

Janet (Folger) Porter is architect of the Heartbeat Bill, first introduced in Ohio in February 2011. She is also President of Faith2Action.