



Senator Terry Johnson  
14th Senate District  
Health, Human Services, and Medicaid Committee  
October 9, 2019

Chairman Burke, Vice Chair Huffman, Ranking Member Antonio, I am pleased to provide sponsor testimony for Senate Bill 208. This legislation requires healthcare professionals to administer the same degree of medical care to an infant that survives an abortion as they would to any other newborn child.

Early this year the Ohio Senate unanimously passed Resolution 41 urging the United States Congress to enact the Born-Alive Abortion Survivors Protection Act. Because this legislation has not passed at the Federal level, it is time Ohio passes our own legislation. Opponents may speculate that there is no reason to pass this legislation, but what some other states have recently done casts doubts on that assertion. New York has now passed legislation expanding late term abortion rights, a similar bill was proposed in Virginia, and supported by their Governor. He made the shocking claim that he supports the killing of infants after delivery.<sup>1</sup> Opponents often cite the 2002 Federal legislation that extends legal protection to a born alive infant; however, these laws clearly do not go far enough.

According to NBC, CNN and CBS, in 2009, a young woman went to an abortion doctor to terminate her pregnancy of a 23 week old unborn infant. She was given a drug that induced labor, but the doctor did not make it in time and the baby was born alive. One of the clinic's owners, who has no medical license, cut the infant's umbilical cord. The mother said that subsequently the woman placed the baby in a plastic biohazard bag and threw it out. The biohazard bag was later found by the police in a box. The autopsy reported air in the lungs, supporting evidence that the child was born alive.<sup>2,3,4</sup>

The Born-Alive issue has been a problem for decades. Melissa Ohden was born in 1977 after a failed saline infusion abortion. When she was born she was saturated in saline, implying the procedure was successful. The doctors thought she had passed away but while attending to the mother, they heard her start to move and breathe. She not only survived this attempt to take her life, but she thrived. She has a Master's Degree, and is the founder of The Abortion Survivor Network.<sup>5</sup> We simply cannot allow this to happen to other babies especially not in Ohio.

The legislation I am proposing would also give the mother the right to file a civil action against a person who did not offer lifesaving care to her born alive baby. Evidence this provision is necessary comes from a Florida mother in 2009. Her child survived an abortion. She came face to face with a "human being and that changed everything". Her child survived the abortion, but

1. Reilly, K. (2019). A New York Law has Catapulted Later Abortion Back Into Political Spotlight. Here's what the Legislation Actually Does. *Time Magazine*
2. Associated Press (2009). Doctor Investigated in Botched Abortion. *US NEWS NBC*
3. Associated Press (2009). Baby Trashed After Botched Abortion. [www.cbsnews.com](http://www.cbsnews.com)
4. Segal, K. (2009). Doctor loses license in Live Birth abortion case. *CNN*
5. Ohden, M., <https://melissaohden.com/>

was not given healthcare once born alive. The mother later sued that doctor and the clinic owners for the lack of treatment for her child.<sup>3</sup>

As medical science continues to advance, the ability of a pre-term baby to survive outside the mother's womb is constantly improving. Children that are born premature are able to live earlier, and we have a responsibility to make sure our legislation stays up to date with the medical advances.

Currently, six states\* have Born Alive Bills that require that their State Health Department keep records of children born alive during abortions. In 2016 Minnesota reported 5 babies were born alive after botched abortions. One baby displayed what was described as “transient cardiac contractions,” but no attempts were made to save the child's life. Two infants received previously planned “comfort care measures” and passed away soon afterward.<sup>6</sup> In 2017, Arizona reported ten abortions involving babies delivered alive, in 2018 the Florida Department of Health disclosed six babies born alive.<sup>7</sup>

We simply do not know how many babies survive an abortion every year in Ohio. To address this legal shortcoming, physicians will be required to report when an attempted abortion results in a born-alive baby. What we do know, however from examples in other states, is that babies occasionally survive abortions and are allowed to suffer until death. We cannot in good conscience allow this to continue. This legislation acknowledges the simple fact that, regardless of the circumstances surrounding the infant's birth, every baby deserves our compassion and care.

This legislation should be something that we can all rally around, no matter where we stand in the broader abortion debate, no matter where we fall on the spectrum of opinion between pro-life or pro-choice. Surely we are all pro-life when we look down and see an infant who is absolutely helpless and at our mercy. Here, with this bill, we come to a point in this deeply divisive national discourse where we finally find something upon which we can all agree: a living, breathing infant deserves every possible effort and protection to allow it to live. In this bill, we come to something that must unite us all: basic human love and decency for the weakest and most vulnerable among us.

Please join me in promoting and preserving the dignity of life. Thank you for your consideration. I am happy to answer any questions.

6. Longbons, T.( 2017). Abortion Reporting: Minnesota (2016). *Charlotte Lozier Institute*

7. Israel, M. (2019) Issue Brief: The Necessity of the Born- Alive Abortion Survivors Protection Act. *The Heritage Foundation*.

\* Florida, Arizona, Michigan, Minnesota, Oklahoma, and Texas