



TO: House Criminal Justice Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: March 13, 2018

RE: Senate Bill 145

To Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice 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 Senate Bill 145.

As you have heard from previous testimony on SB 145, this bill is the latest attempt by elected officials to substitute their own judgment for that of medical professionals. Should SB 145 become law, it will serve to make abortion less safe and risk the health of Ohio women by ending dilation and evacuation abortions. The banning of this method may also serve to end all second trimester abortions in Ohio, the true goal of many proponents of these bans.

The dilation & evacuation method criminalized under SB 145 is utilized in almost all second trimester abortions and for good reason – it is an extremely safe way to perform abortions, with a less than 1% rate of serious complications. That is precisely why the American College of Obstetricians & Gynecologists and the World Health Organization recommend dilation & evacuation for pregnancies after 14 weeks.

In previous hearings, proponents attempted to minimize these concerns by saying if this method is banned ample alternatives will remain. Mentioned were - 1) potassium chloride injection, 2) digoxin injection, or 3) umbilical cord transection.

What was curiously not mentioned is these methods are rarely used because of the dangers they pose to women including infection, serious bleeding, uterine perforations, and the potential to complicate future pregnancies. So infrequently used are these methods that it is extremely difficult to even find training in these procedures. So serious are the potential complications, some physicians have stated it would be a breach of medical ethics to even perform them and they would refuse to do so.

That is why responsible medical professionals have long recommended dilation and evacuation and why it is used, except in rare exceptions.

AMERICAN CIVIL  
LIBERTIES UNION  
OF OHIO  
4506 CHESTER AVENUE  
CLEVELAND, OH 44103-3621  
T/216.472.2220  
F/216.472.2210  
WWW.ACLUOHIO.ORG  
contact@acluohio.org

This information all comes from documents submitted to courts that have issued injunctions against these bans. These same courts have found this information compelling enough to continue ruling against these laws as unnecessary, unsafe and, of course, unconstitutional.

About those lawsuits - to date, eight states have passed laws to criminalize the dilation & evacuation method. So far, lawsuits challenging those bans have been filed in six states. Every lawsuit filed has resulted in a halt to those states' respective laws, a 100% rate of success. SB 145, if passed, will inevitably be challenged in court. Given the current trajectory of these ban attempts, it is hard to believe Ohio will be the one state to reverse this trend.

This is because courts and judges considering these cases have concluded the same things offered in our opponent testimony. That is, D&E bans are essentially bans on all second-trimester abortions, complying with D&E bans involves intrusive and risky procedures, and the burden such bans place on women and clinics renders these laws unconstitutional.

Members of this committee, the far better alternative to SB 145 is to allow your constituents to make these decisions for themselves. We must trust medical experts to use the procedures that are best for the patient and her health care, and result in the least complications. The ACLU of Ohio urges rejection of Senate Bill 145.