Proponent Testimony on House Bill 258
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House Health Committee

Chairman Huffman, vice chair Gavarone, ranking member Antonio and members of the committee, thank you for allowing me to testify today in support of House Bill 258, the Ohio Human Heartbeat Protection Act. I am Barry Sheets, legislative consultant for the Right to Life Action Coalition of Ohio.

The Right to Life Action Coalition of Ohio (RTLACO) is a network of organizations who stand together to uphold protections for defenseless unborn life. Member organizations include Right to Life of Greater Cincinnati, Toledo Right to Life, Dayton Right to Life, Greater Columbus Right to Life, Cleveland Right to Life and numerous other local and regional organizations.

House Bill 258 is an important bill in many ways. Foremost, it offers the strongest legal protection of defenseless unborn human life that our state has considered, by prohibiting abortions upon the detection of a fetal heartbeat. Given that Ohio Department of Health statistics on abortion in Ohio show that 20,672 abortions were performed in Ohio in 2016, the latest year for which records have been compiled and that over 85% of those abortions performed upon unborn children of 12 weeks gestation or less, it is encouraging to see this bill being considered. It is estimated that this bill will legally protect over 17,000 unborn Ohioans.

It is this provision which seems to be drawing the most attention and the most objection from those whose industry thrives on terminating defenseless lives. This committee will likely be told by opponents that this bill is "unconstitutional". However, this obscures a simple fact—the US Supreme Court has been moving in a direction with cases post-Roe that call for optimism and indicate opportunity for bold, decisive protections to be put in place by state legislatures.

I would like to share information from attorney Walter Weber, senior counsel for the American Center for Law and Justice, who testified on previous iterations of this bill, to this point:
"Critics argue that this prohibition is incompatible with repeated Supreme Court precedents disallowing either bans or "undue burdens" on abortions done prior to fetal "viability." Nevertheless, the Supreme Court's precedents contain as well the strands of a more life-protective jurisprudence. As far back as *Doe v. Bolton*, 410 US 179, 191-92 (1973), the companion case to *Roe v. Wade*, 410 US 113 (1973), the Supreme Court upheld a law that prohibited any abortion that was not "necessary". Much later, in *Gonzales v. Carhart*, 550 US 124 (2007), the Court ruled that precedent it assumed to be controlling 'confirms the State's interest in promoting respect for human life **at all stages of the pregnancy**,' *id*. At 163 (emphasis added). As Justice Kennedy wrote in dissent in *Stenberg v. Carhart*, 530 US 914 (2000), a dissent subsequently vindicated in *Gonzales*, 'States also have an interest in forbidding medical procedures which, in the State's reasonable determination, might cause the medical profession or society as a whole to become insensitive, even disdainful, to life, including the life of the human fetus.' *Stenberg*, 530 US at 961."

I submit that all reasonable minds can agree that acquiescing to the killing of a living unborn human child with a beating heart qualifies as 'insensitive, even disdainful, to life.' This is indeed what we are talking about at the 'heart' of this bill, and why our Coalition strongly supports our state, through you our elected officials, taking that interest in the life of the human fetus seriously enough to legally protect over 17,000 of our fellow citizens whose beating hearts bear witness that they are just as alive

as you and I, and just as equally deserving of legal protections upon that life. House Bill 258 does just that, and so we respectfully request that this committee adopt this bill.

Thank you for your kind attention. I would be happy to try to answer questions you may have.