



**Testimony of Jaime Miracle,
Deputy Director for NARAL Pro-Choice Ohio,
to the House Health Committee
Opposing Senate Bill 28
February 28, 2018**

Chairman Huffman, Ranking Member Antonio and members of the Health committee, my name is Jaime Miracle. I am the Deputy Director for NARAL Pro-Choice Ohio. I am here to speak in opposition to SB 28 on behalf of our over 50,000 activists and members across Ohio.

There are so many issues with this bill it was hard to decide where to start with my testimony today. Proponents of this bill say that it is about making sure women have a choice when it comes to the disposition of fetal remains. But that choice exists already. Right now, in clinics across the state, if a woman wishes to have the remains cremated or buried she has that right, and the clinic assists her in that process. This bill isn't about making sure women have options, it's about limiting which options exist. It's about shaming women who chose to have an abortion and the medical professionals who provide abortion care.

In addition to limiting the options available, this bill also forces patients to participate in this sham cloaked as a "choice". Yes, section 3726.04 of the bill states that if the "pregnant woman does not desire to exercise the rights" under this legislation, the facility shall determine how the remains are disposed of. But in conflict with 3726.04, section 3726.05 states a facility "may not release fetal remains from a surgical abortion, or arrange for the cremation or interment of such fetal remains, until it obtains a final disposition determination made, and if applicable the consent made, under section 3726.04 or 3726.041 of the Ohio Revised Code." So, in reality she has no choice at all; the facility has to have the form in order to dispose of the tissue. Whether she wants to or not, the patient is forced to complete this completely unnecessary form. What if a parent or guardian refuses to sign the consent for the tissue disposition? Is that minor now blocked entirely from getting the procedure?

When you actually read the language in this bill rather than just the talking points provided by supporters you see that this bill isn't even hiding its true purpose, blocking patients from getting abortion care. In 2016, protestors with the Columbus-based anti-abortion extremist group Created Equal branched out, finding new targets for their "Killers Among Us" campaign¹. They hope to force every abortion clinic to close by harassing the companies and suppliers that work with them until they stop contracting with these health care providers. This time they targeted the CEO of Stericycle, one of the medical waste disposal companies that has contracts with all kinds of medical facilities, including those that provide abortion care. On the April 1, 2016 episode of his radio show, Created Equal's director Mark Harrington bragged

¹ <http://killersamongus.org/>

that their harassment of the Stericycle CEO had caused the man to sit in his driveway in fear, rather than go into his house or leave for work².

It may not be the intention of the bill's sponsors to do the bidding of anti-abortion extremist groups and facilitate harassment against companies across the state, but that is exactly what will happen. By requiring the facilities to "maintain a written list of locations at which it provides or arranges for the final disposition of fetal remains" you are handing extremist groups like Created Equal a list of their next targets. You may think this far fetched, but I can assure you that Created Equal's goal is to harass every abortion clinic — and everyone who has a relationship or contract with them — until they have shuttered every last one.

We know their tactics, because they are the same ones they already use to identify the doctors that sign variance agreements with clinics that can't obtain transfer agreements under ODH's regulations. Since clinics must provide the names of their back up doctors in their ODH applications, Created Equal and other extremist groups simply issue public records requests to learn which doctors have agreed to provide emergency care in the event of a complication. They then target them for intimidation at their home, their office, and their medical office³. Created Equal drives trucks around doctors' neighborhoods accusing them of being "Killers Amongst Us." They send grotesque postcards to all their neighbors with that tagline, and set up outside of their office to harass them and their patients. In one case, they even drove their "Killers" truck behind the teenage daughter of a physician as she set out for her afternoon run around her neighborhood.

Attached to my testimony are two examples of the campaigns I described in my testimony today. The Ohio legislature should be protecting its citizens from harassment and intimidation, not writing an open invitation to extremist groups to continue their shameful behavior.

In addition to the new regulations on how fetal tissue is disposed of, this bill is also a sweeping re-write of the way abortions are reported to the Ohio Department of Health, by requiring a separate abortion report form to be filled out for each "zygote, blastocyte, embryo, or fetus" aborted rather than a report form for each abortion procedure performed. Leaving aside that abortion procedures are not performed before about 5-6 weeks into a pregnancy and therefore would not be performed at the zygote or blastocyte stage because a zygote is a fertilized egg, a single cell created at the moment of fertilization, and the blastocyst stage of embryonic development begins as soon as it splits into two cells and lasts approximately 12 days into development. This new requirement completely changes how the state counts abortion and puts new, completely unmanageable requirements on abortion providers.

When a patient chooses to have a medication abortion, rather than a surgical procedure they take a series of pills and experience a miscarriage in private, not a doctor's office. How would the abortion clinic know if the patient had an undiagnosed twin pregnancy and report that to ODH? Does the doctor have to go to this patient's house and interrogate her following the procedure? Or would ODH be calling each patient and ensuring that the doctor followed the correct reporting protocol? If the state is simply curious about how many pregnancies are terminated each year that have more than one embryo or fetus, add that question to the abortion report as it currently stands. This isn't about patient safety or any other euphemism supporters of this bill may use. No plastic surgeon has to report every time they do a liposuction

² <http://createdequal.podbean.com/>

³ <http://www.createdequal.org/resources/faqs/15-apologetics/138>

procedure, even though the complication rate for liposuction is many times that of an abortion procedure. An Ob/Gyn doesn't have to fill out a report form each time they do a c-section delivery. This new requirement is about putting another completely unnecessary burdensome regulation on abortion providers that other medical professionals in our state are not subject to.

When you take all of the above into consideration seems that the bill draft is just as poorly crafted as the fake "investigations" that proponents are using to push this legislation forward. After multiple congressional witch hunts and state investigations into the disposal practices of abortion providers both in Ohio and across the country the only people to be indicted in connection with the deceptive videos that have led to these false accusations of wrongdoing by abortion providers are the producers of the videos. Earlier this week New Mexico joined this group, clearing the clinic in their state of all the accusations that anti-choice organizations had lodged at them. Ohio Attorney General Mike DeWine conducted his own investigation, and found that Planned Parenthood had followed all legal requirements for the disposal of fetal tissue.

This bill is just like all of the other abortion bans and other restrictions passed by and still being considered by this legislative body since 2011, it is just another sham, based on inaccurate information, being used to block access to safe, legal abortion care in our state. And just like the Down syndrome abortion ban passed last month it has been blocked from going into effect in Indiana because the courts have ruled that it is an unconstitutional restriction on abortion access. Why does this state legislature insist on continuing to pass unconstitutional legislation which will result in the wasting of tens or even hundreds of thousands of tax dollars defending it against court challenges when our state faces so many challenges that could be assisted with these dollars?

I urge a no vote on S.B. 28, and urge this committee and this legislature to focus on the real problems facing women and families across our state, rather than continue an unconstitutional witch hunt against abortion providers based on false information. Thank you for your time today, I am happy to answer any questions you may have.

Picture posted by Created Equal on Social Media of postcard delivery in the neighborhood of Stericycle CEO.



Example of postcards sent to neighbors of Dayton area doctors

#KILLERSAMONGUS



**ALAN MARCO MD
SUPPORTS BABY KILLING**

Dr. Marco resides in our neighborhood:
569 Calumet Pl, Beavercreek OH 45434



15 Week Aborted Baby

Take action! Contact

1. Wright State University President David Hopkins (937-775-2312).
2. Wright State University Physicians Group (937-245-7100).

Demand they stop enabling late-term abortionist Martin Haskell to kill babies.

CreatedEqual.org/Wright-State | KillersAmongUs.org

CREATED EQUAL
PO BOX 360502
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U.S. POSTAGE PAID
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#KILLERSAMONGUS

A group of physicians at Wright State University is enabling infamous late-term abortionist and partial-birth abortion pioneer Martin Haskell to keep his abortion facility in Dayton open and operating.

Ohio law requires all ambulatory surgical facilities to have a written transfer agreement with a nearby hospital. Dayton hospitals refuse to give Haskell such an agreement. However, Haskell has found a way to skirt this law through a contract with the Wright State Physicians group.

As a tax-funded university, Wright State should not allow doctors at its medical school to support abortionists.

Created Equal condemns all abortion-related violence.