



**Testimony of Jaime Miracle,
Deputy Director for NARAL Pro-Choice Ohio,
to the House Civil Justice Committee
Opposing Senate Bill 27
December 3, 2020**

Chairman Hambly, Ranking Member Brown and members of the Civil Justice Committee, my name is Jaime Miracle. I am the Deputy Director for NARAL Pro-Choice Ohio. I wish I could be speaking with you in person today, but because the Ohio House leadership continues to ignore CDC recommendations and safety protocols, we are unable to safely send our staff into the Statehouse at this time. Please accept this written testimony in opposition to SB 27 on behalf of our over 50,000 activists and members across Ohio.

There are so many problems with this bill it was hard to decide where to start with my testimony today. Proponents of this bill claim 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 patient wishes to have the remains cremated or buried they have that right, and the clinic assists them in that process. This bill isn't about making sure people seeking abortion care have options, it's about limiting which options exist. It's about shaming people who chose to have an abortion, and the medical professionals who provide abortion care. It's about putting abortion out of reach.

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 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

¹ <http://killersamongus.org/>

² <http://createdequal.podbean.com/>

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 the Ohio Department of Health's (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 rare event of a complication. They then target them for intimidation at their home, their office, and their medical facility³. Created Equal drives trucks around doctors' neighborhoods accusing them of being "Killers Amongst Us." They send graphic postcards to all their neighbors with that tagline and set up outside of their office and harass them and their patients.

Attached to my testimony are two examples of the campaigns I just described. The Ohio legislature should be protecting its citizens from harassment and intimidation, not writing an open invitation to anti-abortion extremists 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 ODH. This bill would require 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. This new requirement completely changes how the state counts abortions and puts new, completely unmanageable requirements on abortion providers. Sponsors of this bill apparently are unaware that abortion procedures are not performed before 5-6 weeks into a pregnancy, and therefore are not performed at the zygote or blastocyte stage. 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.

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? 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 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 heaping another completely unnecessary and 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, it is clear that the bill draft is just as poorly crafted as the fake "investigations" that proponents initially used as an excuse for this legislation. 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 led to the false accusations of wrongdoing against abortion providers were the producers of the videos. In 2018, as last session's version of this bill was being heard in the in Ohio House, New Mexico cleared the clinic in their state of all the accusations that anti-choice organizations had lodged at them. Then-Attorney

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

General Mike DeWine conducted his own politically motivated investigation and found that Planned Parenthood had followed all legal requirements for the disposal of fetal tissue.

Beyond the current dangerous provisions included in SB 27, the proposed amendment before this committee to amend ORC section 5101.57 to ban public institutions from employing or affiliating with any physician who performs abortion, or employing or affiliating with another entity that employs or affiliates with a physician who performs abortion, is an even more dangerous addition. Would a public hospital trying to transfer a patient with COVID to another private hospital because their beds are full have to interrogate the other facility to make sure that none of their doctors perform legal abortion care as a part of their practice? This provision could also cause medical schools like The Ohio State Medical School, or the University of Cincinnati Medical School to lose their accreditation as an OB/GYN training facility, because they must make abortion training available to students who wish to have it.

This bill, and its proposed amendment, 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 a sham, based on inaccurate information, being used to block access to safe, legal abortion care in our state. Ohio is already fighting expensive lawsuits on the medically unnecessary variance/transfer agreement regulations, the Down syndrome Ban, the Abortion Method Ban, and the Six Week Abortion Ban. And just this year, the State of Ohio lost in court when it attempted to block abortion clinics from providing care during the pandemic. Similar cases in other states have been blocked in court. It is inexcusable for the state legislature to pass unconstitutional, unnecessary legislation which will waste of tens or even hundreds of thousands of tax dollars, especially in the midst of an economic crisis and a global pandemic.

I urge a no vote on S.B. 27, and implore this committee and this legislature to focus on the very real problems facing Ohioans today. Your constituents are hurting, and they need your help. COVID-19 has ravaged our state's economy and health care systems. Evictions, foreclosures, hunger, all of these should be at the top of the priority list for the Ohio legislature, not bills like this one.

Picture posted on social media of postcard delivery in the neighborhood of Stericycle CEO by Created Equal.



Example of postcards sent to neighbors of Dayton area doctors.

#KILLERSAMONGUS



**ALAN MARCO MD
SUPPORTS BABY KILLING**

Dr. Marco resides in our neighborhood:



15 Week Aborted Baby

Take action! Contact

1. Wright State University President David Hopkins
2. Wright State University Physicians Group

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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PRESORTED STANDARD
U.S. POSTAGE PAID
2EVEYRDOOR

LOCAL
POSTAL CUSTOMER

#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.