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Testimony in Support of Substitute Senate Bill 157

House Families, Aging & Human Services Committee

Thursday, November 18, 2021

Chair Manchester, Vice Chair Cutrona, Ranking Member Liston, and members of the committee, thank you for allowing me to testify today on behalf of Substitute Senate Bill 157, the Born-Alive Infant Protection Act. My name is Allie Frazier and I am the Incoming Executive Director of Right to Life of Northeast Ohio.

The Born-Alive Infant Protection Act is a vital anti-infanticide bill which would require doctors to provide potentially lifesaving care to babies who are born alive after failed abortions. It would also require that a report is created by the Ohio Department of Health to record such instances.

According to Ohio's latest Induced Abortion Report, in 2020, 441 abortions occurred at or past 19 weeks gestation. 328 occurred between 19 and 20 weeks and 113 occurred at 21 weeks and over. We don't know what happened to these children; if any survived the procedure meant to end their lives and, if so, if they received any medical care or were simply left to die.

We don't know this because the state of Ohio does not collect data on the number of children who are born alive following failed abortions, something that this legislation directly addresses. Unfortunately, if the results of other states' reports are any indication, there is much reason to believe that this is occurring in Ohio.

Indiana and Michigan are among the 9 states across the U.S. that have passed born-alive legislation and both states have recorded instances of babies who have survived botched abortions. Indiana has reported 27 babies born alive after failed abortions and Michigan, the highest of any other state, has reported 87. Additionally, a report on the federal level by the CDC found that 143 babies were born alive after failed abortions from 2003-2014. Shockingly, the CDC admits in its report that this number may very well be an underestimate.

Without clear and required reporting, such as that stipulated in S.B. 157, it is impossible to assert that this never happens in Ohio. It is likewise impossible to ensure with certainty that these babies who survive botched abortions aren't being left to die.

The personal stories of those who have survived botched abortions also shed a light on why legislation like the Born-Alive Infant Protection Act is so critically important for our state. One such individual is Melissa Ohden, who was born in Iowa in 1977 after surviving an abortion procedure. The medical personnel who conducted the botched abortion threw her, still alive, into a medical waste container. Luckily for Melissa, a nurse heard her crying and decided to intervene. Otherwise, Melissa, a tiny premature baby, would have died alone, without medical care and her body been discarded like trash. Shockingly, the state of Iowa, to this day, doesn't have born-alive legislation to protect babies like Melissa.

This isn't the first time I've testified on behalf of the Born-Alive Act, and every time that I have, the pro-abortion side has tried to claim that this protection is unneeded because there is no evidence that this is happening in Ohio. I have already outlined how S.B. 157's reporting requirement would clarify that point, but I would also like to pose a simple question. In what other circumstances do we wait until after an innocent human has been victimized to protect them?

Opponents of this bill have also tried to claim that the physicians who choose to perform the procedures which are meant to kill babies while inside the womb, should be completely trusted to do everything possible to save the lives of those same babies when an attempted abortion fails, and a child is unexpectedly born alive. Let's be incredibly clear: accountability shouldn't be controversial. Requiring physicians to provide a basic standard of care shouldn't be controversial. Strengthening Ohio's safeguards for defenseless born babies by clarifying Ohio code should not be controversial.

As I near the end of my testimony, I would like to bring again to mind Ohio's Senate Resolution 41, a resolution which urged Congress to pass born-alive legislation federally. That resolution was passed by the Ohio Senate unanimously in April of 2019. Legislators from across the aisle came together in support of that resolution with one Democratic legislator going so far as to say, "When a baby's born, a baby's born...we should do everything we can." I can't help but ask what has changed. If newborn babies were worth protecting in 2019, why are they not worth protecting now?

Regardless of the circumstances surrounding their birth, every baby born in Ohio deserves to be provided with potentially life-saving medical care. The issue isn't whether or not the medical care provided will certainly ensure that the child will survive. The issue is us being able to decide who gets left alone to die and who does not.

I urge you to vote yes on Substitute Senate Bill 157. Thank you and I'm happy to answer any questions.