



Ron Hood

State Representative

March 3, 2015

House Bill 69 – Sponsor Testimony before the House Community and Family Advancement Committee

Mr. Chairman,

It is a privilege to provide sponsor testimony along with Representative Hagan for the Heartbeat Bill, which more than half the House of Representatives agree is so important that they have added their names as co-sponsors.

I am in full agreement with Representative Hagan in honoring Dr. John Willke, the founder of National Right to Life, Ohio Right to Life, and a strong proponent of the Heartbeat Bill. Not only did Dr. Jack Willke, testify for the Heartbeat Bill in the Ohio House and Senate, he also helped to draft it. Sadly, Dr. Willke did not live to see the Heartbeat Bill become law in his home state of Ohio, but we honor him by re-naming the bill: “The Dr. Willke Heartbeat Bill.”

This common sense bi-partisan bill recognizes the universal indicator of life: the heartbeat. You can’t go to a hospital in the civilized world where the heartbeat is not recognized as an indicator of life. Everyone knows, where there is a heartbeat there is life. Where there is a *human* heartbeat, there is *human* life.

What should we as legislators do with this knowledge? As Thomas Jefferson said, “The care of human life ... is the first and only object of good government.”*

Get government out of this issue? Jefferson made it clear: to care for human life is the reason government exists.

Those who claim the bill is “unconstitutional” would do well to read the Constitution. The 14th Amendment of the Constitution states: “...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Today the youngest and most vulnerable in our state are being denied equal protection and life itself. But what about the current Supreme Court? What if they don’t read the Constitution as we do? We were elected as legislators--our job is to protect human life. We can’t control what the Senate or the Governor or the Supreme Court does once they get this law. But I can tell you that it was drafted by some of the most well-respected attorneys in the nation specifically to come before the *current* Supreme Court.

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[Constitutional Law Professor David Forte & Walter Weber of the American Center for Law and Justice among more than a dozen others].

Why? Because the current rationale of the Supreme Court is that states can intervene to protect human life if there is a likelihood of the child in the womb to survive to live birth. Only right now they are using the indicator of “viability” to make that determination.

The problem with viability is it is based on a *guess* of gestational age and that viability changes with the hospital in which one is born and the technology available. But, for the first time, we are presenting to the Supreme Court a *better* indicator for the child to survive to live birth. That indicator is heartbeat.

As Constitutional Professor David Forte, a primary drafter of the bill, stated in his law review article entitled *Life, Heartbeat, Birth: A Medical Basis for Reform*,

“Recent medical research has determined that although the miscarriage rate for all pregnancies may be as high as 30%, once a fetus possesses cardiac activity, its chances of surviving to full term are between 95%-98% (absent the lethal intervention of an abortion).** That extraordinary difference is the key in determining ultimate survivability.”

But aren't there other Heartbeat Laws coming before the Court? Yes, thankfully, both Arkansas and North Dakota have passed Heartbeat laws, however the legal experts believe the Ohio language is the best language to come before the Court since the Arkansas Heartbeat Law was tied to 12 weeks, and the North Dakota Bill was tied to six weeks gestation. Unlike those laws, the Ohio Heartbeat Bill doesn't pick an arbitrary date, but instead presents the indication of detectable heartbeat alone as a better indicator of survivability to live birth, where the Court has said the states can legally protect unborn children.

We have tried the incremental approach for decades. And while I'm for any bill that protects any child, it's been 42 years of abortion on demand which has destroyed the lives of 56 million human beings. At some point we actually have to do more than regulate *how* and *where* we kill children, we actually have to *protect* them. The Heartbeat Bill will finally recognize the universal indicator of life—the heartbeat. The human heartbeat of a human life. I trust this legislative committee will do what we were elected to do—protect human life.