



**CITIZENS FOR  
COMMUNITY VALUES**

Josh Brown, Esq.  
Legal Counsel & Director of Policy  
Citizens for Community Values  
(614) 284-4394  
joshbrown@ccv.org

February 14, 2018

TO: Chairman Steve Huffman  
Ranking Member Nicki Antonio  
Senate Government Oversight and Reform Committee

RE: Support for Senate Bill 28, Unborn Child Dignity Act

Dear Chairman Huffman, Ranking Member Antonio and Committee Members,

My name is Josh Brown and I am Legal Counsel and Director of Policy for Citizens for Community Values, a non-partisan, non-profit organization. As part of our mission, we seek to educate members of the Ohio General Assembly about the dignity of human life from conception to natural death. Today, we write to ask your **support** for Senate Bill 28, the Unborn Child Dignity Act, which was introduced by Senator Joe Uecker (R-Miami Township).

**WHAT IS SB 28?**

Currently, the Ohio Revised Code (O.R.C.) does not contain procedures regarding the disposal of aborted infant remains. Senate Bill 28 would add to the Code provisions saying an abortion facility can only dispose of aborted baby remains through the use of cremation or interment (burial). Under this bill, the mother of the child has the right to determine the final disposition of the remains. Her decision must be documented in her medical records and the facility is responsible for the cost of the disposal. Any violation of this statute would be a first degree misdemeanor.

## WHY WE SUPPORT SB 28

After a thorough investigation into this issue, the Attorney General issued a report which found that Planned Parenthood has been disposing of human fetal remains of aborted babies in a landfill.<sup>1</sup> That likely violates Ohio law that requires humane disposal of fetal remains. However, “humane disposal” is not defined in statute or case law. SB 28 would create this definition and would end this practice. It should be ended for the following reasons.

To start off with, we care deeply for the mothers involved in this issue. Women already suffer greatly after an abortion has been performed on their baby.<sup>2</sup> Women who already suffer from abortion will suffer more when they discover that the remains of their child were thrown in a landfill like common trash. Planned Parenthood itself has acknowledged that these babies’ bodies should be disposed of with “respect.”<sup>3</sup> It is not respectful to the dignity of human life, nor respectful to the mothers of these children to dispose of these remains as inhumanely as trash. Senate Bill 28 would resolve this problem.

Secondly, Senate Bill 28 would clarify a possible ambiguity in the law<sup>4</sup> concerning the question of “what is humane disposition of aborted fetal remains?” We will show below that the current Planned Parenthood practice violates Ohio law—however, because of this ambiguity, the illegality is not explicit.

It does not appear that Planned Parenthood’s treatment of fetal remains is consistent with the intent of the O.R.C.. “Humane disposition” of fetal remains is currently required under the O.R.C.<sup>5</sup> and O.A.C..<sup>6</sup> The O.R.C. further indicates an intention to treat unborn

---

<sup>1</sup> See: <http://www.ohioattorneygeneral.gov/Media/News-Releases/December-2015/Ohio-Planned-Parenthood-Investigation-Reveals-Feta>. For more information see: <https://www.cincinnati.com/story/news/2015/12/11/dewine-fetal-parts-go-landfills/77151954/>

<sup>2</sup> Report issued by the American Psychological Association Task Force on Mental Health and Abortion. Can be accessed at: <http://www.apa.org/pi/women/programs/abortion/>

<sup>3</sup> Facebook post by Ohio Planned Parenthood. Screenshot available upon request.

<sup>4</sup> Although we do not think what Planned Parenthood is doing is ambiguous as to whether it is humane or not: it is clearly not humane.

<sup>5</sup> O.R.C. 3701.341(3) The Director of Health shall adopt rules relating to . . . humane disposition of the product of human conception.

<sup>6</sup> O.A.C. 3701-47-05(A) The fetus shall be disposed of in a humane manner. (B) No person shall experiment upon or sell the product of human conception which is aborted. Experiment does not include autopsies pursuant to sections 313.13 and 2108.50 of the Revised Code.

babies humanely, because under O.R.C, a baby may receive a death certificate after twenty weeks gestation.<sup>7</sup>

Further, hospital practice indicates the same, as a spokesman for the Ohio State University's Wexner Medical Center was quoted as saying that a fetus that is 20 weeks or older is treated as any patient who dies.<sup>8</sup> So how do we treat humans who die after birth? Ohio's Code section dealing with embalming, funeral directors, and crematories,<sup>9</sup> basically limits disposition of human remains to cremation or interment (burial). SB 28 follows this precedent.

So what is "humane?" Regardless of what the legal definition may be, certainly, landfill disposal would not suffice. We could not find a definition of "humane" in the Ohio Administrative or Revised Code. After a review we could not find any court opinions on point. However, Merriam Webster defines "humane" as: "marked by compassion, sympathy, or consideration for humans or animals."<sup>10</sup> Under this definition, hospital practices, and the humanity that the Code prescribes to unborn babies, it is hard to imagine that anything less than cremation or burial are satisfactorily "humane."

## WHAT WE NOW KNOW ABOUT PLANNED PARENTHOOD

In the annual report for the national Planned Parenthood organization, which came out last month, we discovered that Planned Parenthood has been dishonest about who they are and what they do.

First, they market themselves as a general health provider, but the annual report shows pretty clearly that Planned Parenthood is overwhelmingly and primarily an abortion provider. Planned Parenthood's President Cecile Richards indicated this when she stressed that abortion is "central" to Planned Parenthood's mission.<sup>11</sup>

---

<sup>7</sup> O.R.C. 3705.20.

<sup>8</sup> The News Herald, "A Look at Ohio's Rules for Fetal Tissue Disposal." December 22, 2015. Can be found at: <http://news-herald.com/article/HR/20151222/NEWS/151229895>

<sup>9</sup> O.R.C. 4717.

<sup>10</sup> <https://www.merriam-webster.com/dictionary/humane>. "Inhume" is defined as "not humane."  
<https://www.merriam-webster.com/dictionary/inhumane>

<sup>11</sup> <http://www.nationalreview.com/corner/447379/ivanka-trump-cecile-richards-planned-parenthood-refuses-compromise-abortion>

Planned Parenthood says that only 3% of their services are abortions.<sup>12</sup> Their annual report shows that is not true. To get to that statistic, they manipulate the data. They do this by counting each service they provide equally, as if each of their alleged services required the same amount of time and energy as the others. They call it “discrete interactions.”

But not all services are equal. For a simplified example, let's take a young lady who goes into one of their clinics and receives the following services: 1) she meets with a counselor, 2) she takes a pregnancy test, 3) she gets a breast exam, 4) she gets an ultrasound, and 5) she ultimately decides to go through with having an abortion. Planned Parenthood counts that as four “discrete interactions.” In this very simplified scenario, under Planned Parenthood's formula, 25% of Planned Parenthood's services are abortion provision, despite the abortion being the service that the other services were geared toward.

Of course, they can divide abortion services into a lot more than four pieces: they actually divide it into dozens of pieces. By dividing the abortion services into component pieces and counting them as “discrete interactions” Planned Parenthood disguises the extent to which abortion comprises their activities.

Second, Planned Parenthood also holds themselves out as the only alternative for women's health. This is very untrue. Over 13,000 federal qualified health-care centers (FQHCs) exist across the country.<sup>13</sup> As of 2015, there were 36 FQHC's operating in Ohio, with 206 service locations. Conversely, there are 24 Planned Parenthood Centers in Ohio.

Lastly, this issue is justification for defunding Planned Parenthood. This fetal remains disposition issue is evidence of Planned Parenthood's inhumane practices. That, combined with what we learned from their annual report, are evidence of how their overall practices compare to the way they market themselves publicly. And this marketing is done largely at taxpayer expense. Planned Parenthood abuses taxpayer dollars to advance their agenda and paying high management salaries. This is partly why we suggest that no state dollars should be allowed to flow to Planned Parenthood at all.

Even during this very debate, the organization has poured massive amounts of taxpayer dollars into defending their political agenda, rather than providing health

---

<sup>12</sup> <https://www.plannedparenthood.org/about-us/who-we-are/planned-parenthood-at-a-glance>

<sup>13</sup> <https://lozierinstitute.org/planned-parenthood-and-federally-qualified-health-centers/>

services. Planned Parenthood spends millions of dollars lobbying to increase its federal and state funding—essentially using taxpayer dollars to lobby for more.

Planned Parenthood is not in need of this funding. According to the annual report, they received over a half-billion dollars from wealthy benefactors last year. Its net assets last fiscal year totaled over \$1.6 billion. More than \$174 million of their dollars go to management salaries. Planned Parenthood’s PAC is among the most powerful lobbying groups in American politics. According to the annual report, they spent about \$40 million last year for “public policy” and investing upwards of \$175 million in such nebulous categories as “movement building,” “strengthening and securing Planned Parenthood,” and “engaging communities.”<sup>14</sup> Much of this went to promoting a pro-abortion political agenda.

Lastly, because of Planned Parenthood’s history of deception and abhorrent practices, as outlined above, we would recommend that the Ohio General Assembly, or the Ohio Department of Health on its own, require pathology reports for every abortion performed by Planned Parenthood in Ohio. We have documented dozens of cases where there is a significant question of what led to an abortion. Ohio statute currently allows for this already, but it is not mandatory.

*Citizens for Community Values (CCV) is a non-profit, non-partisan organization that endeavors to create an Ohio where God’s blessings of life, family, and religious freedom are treasured, respected, and protected.*

*www.ccv.org -- (513) 733-5775*

---

<sup>14</sup> <http://www.nationalreview.com/article/455145/planned-parenthoods-annual-report-disproves-its-own-lies>