



TO: Senate Government Oversight & Reform Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: January 10, 2018

RE: Senate Bill 28

To Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Senate Government Oversight & Reform Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio ("ACLU of Ohio"), and I appear to present opponent testimony on Senate Bill 28.

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In short, the ACLU of Ohio opposes this legislation because it serves no legitimate medical purpose and is yet another obvious attempt to at least inconvenience, if not entirely put out of business, abortion providers, shame women who choose to have abortions, and create criminals of those who do not comply with the numerous regulations found in SB 28.

The first indication SB 28 is nothing more than legislative harassment is its application to only fetal (and, rather inexplicably, cellular) remains for surgical abortions and not those from medical abortions, miscarriages, or stillbirths. It also does not apply to embryos disposed of by fertility clinics.

Drawing such distinctions makes zero logical sense when examined in light of the alleged purpose of SB 28 as stated by proponents. Indeed, if we are to believe the purpose of the bill is to "honor the unborn" then apparently only some are worthy of such protections.

Of course, this is not a suggestion to expand SB28 to include these other circumstances. But the fact it is written in a way to exclude some fetal and cellular remains, and not others, exposes supporters' true intentions.

Second, SB 28 requires abortion providers to pay for the cost of cremation or internment of fetal remains. Naturally, this will drive up the costs of obtaining abortions for both abortion facilities and women, as supporters fully understand and intend.

Third, besides requiring abortion providers to absorb new expenses, SB 28 introduces numerous other requirements meant to inconvenience providers and further increase the costs of being in business.

This is an increasingly popular tactic of a frustrated anti-choice movement that continues to experience defeat in courts across the country after passing blatantly unconstitutional laws. In their minds, if they continue to fail at outlawing abortion then perhaps making it as difficult as possible for clinics and doctors to stay in business will accomplish many of the same goals. However, as this committee is aware, the two fetal remains bills currently before federal courts have been halted for at least the time being. It is hard to believe SB 28 will not face a similar fate.

SB 28 is yet another hurdle, yet another expense, yet another attempt to shame women despite the fact the Ohio Department of Health and the Attorney General have not discovered any past wrongdoing with regard to how Ohio abortion facilities dispose of fetal remains.

At a minimum, references in SB 28 to “zygotes” and “blastocytes” should be removed for obvious reasons. That said, the ACLU of Ohio urges wholesale rejection of Senate Bill 28 by this committee.