

Proponent Testimony—Senate Bill 164
 Senate Health, Human Services and Medicaid Committee
 November 14, 2017

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Chairman Burke, Vice Chair Beagle, ranking member Tavares and members of the committee, thank you for allowing me the opportunity to testify in favor of Senate Bill 164, which would statutorily ban the practice of aborting an unborn child due to the presence of a chromosomal anomaly, specifically that of Trisomy-21, or what is called commonly Down’s Syndrome.

The Right to Life Action Coalition of Ohio (RTLACO) is a network of organizations who stand together to uphold protections for defenseless unborn life. Member organizations include Right to Life of Greater Cincinnati, Toledo Right to Life, Dayton Right to Life, Greater Columbus Right to Life and Cleveland Right to Life, as well as numerous other local and regional organizations. We are pleased to see this bill being heard today.

A little historical background: during the 131st General Assembly, House Bill 135, the predecessor to the bill before us today and it’s current companion bill HB 214, was introduced and ultimately adopted by the House Community and Family Advancement Committee. That legislation had a number of points of concern that precluded RTLACO member organizations from supporting the bill at the time. We discussed these concerns with sponsors early in the 132nd GA, with a goal of having the legislation be modified to correct weaknesses in the original version.

Earlier this year, the legislation was reintroduced with a number of those modifications made, both in the House and by Senator LaRose introducing SB164. Those modifications from the original language are shown in the following chart:

Comparison Document for Down's Syndrome Abortion ban legislation

Provision	HB 135-131st GA-As reported by House CFA Committee	HB 214/SB 164–132nd GA--As introduced
ORC 2919.20(B)-ban	Only banned if test or diagnosis of Down’s Syndrome is “sole” reason for seeking the abortion.	Banned if test, diagnosis or any other reason to believe that unborn child has Down’s Syndrome is, in whole or in part, reason for abortion.
ORC 2919.20(C)-penalty	Fourth-degree felony	Same
ORC 2919.20(D)-license revocation	State medical board must revoke license if ban is violated	Same
ORC 2919.20(E)-Civil action	Creates civil liability for violating ban for physician	Same
ORC 2919.20(F)-Pregnant woman held harmless	No criminal or civil liability for woman on whom abortion is performed or attempted	Same
ORC 2919.20(G)-Severability	Holding part of bill invalid does	Same

	not invalidate other parts	
ORC 2919.20(H)-Right to intervene	Provides right for members of General Assembly to intervene in case questioning Constitutionality	Same
ORC 2919.201(A)-Reporting	Physician shall note no knowledge that Down's Syndrome diagnosis is "sole" reason for abortion	Physician shall note no knowledge that test, diagnosis or other reason to believe that child has Down's Syndrome is reason, in whole or in part, for abortion.
ORC 2919.201(B)-Rulemaking	Ohio Dept. of Health to make rules to carry out within 90 days of effective date of law.	Same
ORC 3701.79(C)(7)(a,b,c)	No provision.	Physician must acknowledge in writing in abortion report to state that woman did not seek the abortion due to test, diagnosis or other reason to believe child has Down's Syndrome as reason, in whole or in part.

One additional provision that we would still desire to see added is to expand the protections granted under this measure to unborn children diagnosed with Trisomy-18 (Edward's Syndrome), another chromosomal anomaly, second most common to Down's. Often more severe than Down's Syndrome, granted, but also with a significant survivability rate. (More information on Trisomy 18 can be found at www.trisomy18.org) We would be happy to work with the sponsors and the chairman toward this end as the legislation moves forward in the process toward becoming part of the Ohio Revised Code.

Senate Bill 164 is an effective deterrent to the killing of unborn children because of Down's Syndrome, and is worthy of support. The Right to Life Action Coalition of Ohio offers our support of this measure, and looks forward to this committee favorably reporting it. Thank you for your kind attention to my remarks today. I would be happy to take any questions of the committee.