

## **Terry Johnson**

State Senator

14<sup>th</sup> Senate District



### **Sponsor Testimony**

Senate Bill 151

Ohio Senate Health Committee

June 2, 2021

Chairman Huffman, Vice Chair Antani, Ranking Member Antonio, and members of the Senate Health Committee: Thank you for allowing me the opportunity to provide sponsor testimony on Senate Bill 151, Emery and Elliot's Law.

This bill would require healthcare professionals in hospitals with a level III or level IV neonatal intensive care unit (NICU) to perform aggressive life-sustaining treatment on viable preterm infants. Under the bill, such infants are those who are exhibiting signs of viability and are 21 weeks gestation or older, with considerations for possible medical advancements in the future. If the hospital does not have a level III or level IV NICU, it must transfer the pregnant woman to a hospital with a level III or level IV NICU. This legislation will be named Emery and Elliot's law in honor of twin boys who were born preterm in an Ohio hospital with a level III NICU, but were left to die in their mother's arms.

In 2017, an Ohio resident, Amanda Finnefrock, was pregnant with twin boys but experienced some complications. She relayed to my office that she was told by her healthcare provider that if she gave birth before the twins were 22 weeks and five days gestation, there would be "no assessment" done on her twins and there would be "no attempt to resuscitate them."<sup>1</sup> She was able to hold out and gave birth to Emery and Elliot at 22 weeks and five days gestation. However, she was still told that it was too early and the hospital and its NICU would not attempt to save the lives of her children.

Despite being told that her sons would either be stillborn or only breathe for a few moments, she says that Emery and Elliot survived for 45 minutes and 2 and a half hours,

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<sup>1</sup> <https://www.lifesitenews.com/opinion/the-hospital-refused-to-treat-my-twin-babies-nurses-forced-me-to-watch-them-die>

respectively. During that time, she said that healthcare professionals did nothing to attempt to sustain the life of either child.

The purpose of this legislation is not to level accusations against any one particular hospital or health care system, but merely to prevent something like this from happening again. Level III and level IV NICUs are staffed and trained to care for infants born prior to 32 weeks gestation, those who weigh less than 1,500 grams at birth, and those who are critically ill.<sup>2</sup> Any hospital that is prepared to handle such cases should be required to take the necessary steps to protect and sustain the lives of infants born in its facility. Any hospital that fails to comply with the requirements set forth in this bill can be held liable in a civil action with a statute of limitations of five years.

The right to life is a sacred, inalienable right. It is our responsibility as legislators to ensure that when any infant is born alive in our state, our healthcare providers do everything in their ability to sustain and protect that child and give him or her the best chance to survive.

Thank you again for your time and consideration. I would be happy to answer any questions at this time.

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<sup>2</sup> <https://pediatrics.aappublications.org/content/130/3/587>