



Mary Parker
Proponent Testimony on Senate Bill 123 – The Human Life Protection Act
Senate Health Committee
2021

Chairman Huffman, Vice Chair Antani, Ranking Member Antonio, and members of the Senate Health Committee, thank you for the opportunity to provide proponent testimony for Senate Bill 123, the Human Life Protection Act. My name is Mary Parker, and I am the Director of Legislative Affairs for Ohio Right to Life. Today, I speak on behalf of our board members, affiliated chapters, and statewide membership in support of the Human Life Protection Act.

The enactment of the provisions of Senate Bill 123 is contingent upon one or both of the following events occurring. One would be the issuance of a decision by the United States Supreme Court that upholds, in whole or in part, a state's authority to prohibit abortion. The other would be the adoption of an amendment to the United States Constitution that would likewise recognize a state's right to prohibit abortion.

If either of these events should occur, the Human Life Protection Act would prohibit abortion in the state of Ohio. Because it is imperative ensure that both women and unborn children are provided with the best medical care, the bill includes an affirmative defense for those physicians who, according to their best medical judgment, deem that an abortion is necessary to save the life of the pregnant woman. The physician must certify in writing why the procedure is necessary and how it is the best means for saving the life of the mother and child. The physician must also

seek a second opinion from another physician and provide medical treatment to that child once the child is delivered.

I would also like to clarify what this bill will not do. This bill does not prohibit contraceptives, emergency contraceptives, nor drugs that can act secondarily as abortifacients. The intended use of these drugs is to prevent pregnancy or cure other diseases. Abortion on the other hand, is the “purposeful termination of a human pregnancy with an intention other than produce a live birth or remove a dead fetus or embryo.” Additionally, the Human Life Protection Act will not deter physicians from treating ectopic pregnancies, since they can either remove the diseased organ or certify that the abortion was deemed medically necessary to save the life of the mother.

Those who would cause or induce illegal abortions, regardless of means, would be subject to criminal penalties. Any person found guilty of causing or inducing an abortion would be guilty of a felony of the fourth degree (Sec. 2904.03). Killing a child after he or she is born alive after a failed abortion would be a first-degree felony (Sec. 2904.05) and promoting abortion would be a first-degree misdemeanor (Sec. 2904.04).

A woman on whom an abortion would be induced would be immune from prosecution. Instead, a woman on whom an abortion was performed in violation of Senate Bill 123 “may file a civil action for the wrongful death of her unborn child.” If the woman prevails, she shall receive damages in the amount of \$10,000 or other determined amount as well as court costs and reasonable attorney’s fees.

The Human Life Protection Act has already been enacted in 12 states (AR, ID, KY, LS, MS, MO, ND, OK, SD, TN, TX & UT) and six additional states continue to have abortion bans that were in place before the *Roe v. Wade* decision (AL, AZ, MI, NM, WV, and WI). With 18 states that already have abortion

prohibitions enacted, Ohio would join this growing trend of states that respect the sanctity of human life.

Ohio is a pro-life state. For decades, Ohioans have recognized that it is necessary to build a culture of life, where women are empowered to choose life. In Ohio, pregnancy centers outnumber abortion facilities fourteen to one. The state budget allocates millions of dollars to help pregnant women and newly parenting families with programs such as the Ohio Parenting and Pregnancy Program. Voters continue to overwhelmingly support elected officials who prioritize pro-life legislation. In Section 9.041 of the Ohio Revised Code, “It is the public policy of the state of Ohio to prefer childbirth over abortion to the extent that is constitutionally permissible.”

With the U.S. Supreme Court hearing the *Dobbs v. Jackson Women’s Health* case, we have renewed hope that the most fundamental moral question – whether or not all people are entitled to the right to life—will be answered not by nine justices but by individual states and citizens. As Ohioans, we must ask, are the unborn unique persons with the right to draw breath and blossom? Or are unborn children non-persons, humans not worthy of life? We firmly believe that the state legislature of Ohio has the opportunity to answer these pressing questions by affirming that Ohio will be a place where all people are cherished, not only the planned, the privileged, and the perfect. Therefore, I strongly urge you to pass Senate Bill 123, the Human Life Protection Act.

Thank you for your thoughtful consideration of this piece of legislation, and I would be happy to answer any questions from the committee at this time.