

Proponent Testimony—House Bill 214
 House Health Committee
 September 20, 2017

Barry Sheets, Legislative Consultant
 Right to Life Action Coalition of Ohio

Chairman Huffman, Vice Chair Gavarone, ranking member Antonio and members of the committee, thank you for allowing me the opportunity to testify in favor of House Bill 214, 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.

During the 131st General Assembly, HB 135, the predecessor to the bill before us today, 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.

Earlier this year, Rep. Derek Merrin reached out to us to discuss the bill and what the concerns were we had on it, as he had been approached by Rep. Sarah LaTourette (the original sponsor of HB 135) to co-lead on the re-introduction of the legislation. After an extensive conversation, where specific issues of concern were detailed out, Rep. Merrin indicated he would share this with Rep. LaTourette. The result is HB 214.

Comparison Document for Down's Syndrome Abortion ban legislation

Provision	HB 135-131st GA-Committee	HB 214–132nd GA introduced
ORC 2919.20(B)-ban	Only banned if test or diagnosis of DS is “sole” reason for seeking the abortion.	Banned if test, diagnosis or any other reason to believe that unborn child has DS 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 not invalidate other parts	Same

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 DS is “sole” reason for abortion	Physician shall note no knowledge that test, diagnosis or other reason to believe that child has DS 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 DS as reason, in whole or in part.

As you can see, the bill has been significantly improved in a number of ways. 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.

Otherwise, this bill has been made significantly stronger and worthy of consideration. 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.