Proponent Testimony—House Bill 214

Senate Health, Human Services and Medicaid Committee

December 13, 2017

Barry Sheets, Legislative Consultant

Right to Life Action Coalition of Ohio

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 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.

We thank the committee for already deliberating on and adopting the companion to this legislation, Senate Bill 164. As these bills are identical in their content, we hope that the same outcome will be reached today with House Bill 214. Our coalition has been involved in the development of the language you have before you today, and we strongly support passage of this bill.

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 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 this submission of testimony.