



TO: House Health Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: February 28, 2018

RE: Senate Bill 28

To Chairman Huffman, Vice Chair Gavarone, Ranking Member Antonio, and members of the House Health Committee, my name is Gary Daniels, chief lobbyist for the American Civil Liberties Union of Ohio (“ACLU of Ohio”), and I appear to present opponent testimony on Senate Bill 28.

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In short, the ACLU of Ohio opposes SB 28 because it serves no legitimate medical purpose and is an obvious attempt to inconvenience women, shut down abortion providers, and imprison doctors who do not comply with the numerous nonsensical regulations found in this bill.

The first indication SB 28 is nothing more than legislative harassment is its application to only embryonic and fetal - and, inexplicably, even cellular - tissue for surgical abortions and not those from medical abortions, miscarriages, or stillbirths. It also does not apply to embryos disposed of by fertility clinics.

Additional embryonic and fetal tissue not deemed worthy of such concern include that from miscarriages in Ohio prisons and state medical facilities. That tissue is autoclaved and the resulting ash is buried, the exact method deemed inhumane when Ohio abortion clinics utilize it.

And yet, here we have a bill that targets *only* abortion providers and their practices while totally ignoring all similar, if not identical, practices around Ohio, including when the State of Ohio itself utilizes the same methods.

Drawing such distinctions makes no logical sense when examined in light of the alleged purpose, as stated by proponents, of SB 28 – to “honor the unborn.”

Of course, this is not a suggestion to expand SB28 to include these numerous other circumstances. But the fact it is written to exclude all other embryonic and fetal tissue exposes supporters’ true intentions and does not fool Ohioans.

SB 28 also requires abortion providers to pay for the cost of cremation or internment of fetal tissue. Naturally, this will drive up the costs of obtaining abortions, as supporters fully understand and intend. This is but one of a litany of other requirements found in SB 28 meant to further harass providers and increase the costs women must bear to access abortion care.

SB 28, and other thinly-veiled bills like it, are an increasingly popular tactic of a frustrated anti-choice movement that continues to experience defeat in courts across the country after passing blatantly unconstitutional laws. In their minds, if they continue to fail at outlawing all abortion then perhaps making life as difficult as possible for clinics and doctors will accomplish many of the same goals. However, as this committee is aware, the two embryonic/fetal tissue bills currently before federal courts have been halted for at least the time being. It is hard to believe SB 28 will not face a similar fate.

SB 28 is yet another hurdle, yet another expense, yet another attempt to shame women despite the fact the Ohio Department of Health and the Attorney General discovered zero wrongdoing with regard to how Ohio abortion facilities dispose of embryonic and fetal tissue.

The ACLU of Ohio urges wholesale rejection by this committee of the unconstitutional and thoroughly unnecessary Senate Bill 28.