



TO: House Health Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: December 6, 2017

RE: House Bill 258

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 House Bill 258.

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The ACLU of Ohio has opposed and testified against the so-called “Heartbeat Bill” every time it has been introduced. However, these past attempts to persuade various committees and the Ohio General Assembly to not pass blatantly unconstitutional bills have proven unsuccessful and we have no reason to believe this attempt will be any different.

Still, we feel compelled to briefly update our testimony with the following three points:

First, proponents claim HB 258 would ban abortions when a fetal heartbeat can be detected, approximately six weeks into a pregnancy. However, that claim is misleading. HB 258 would essentially ban all abortions in the State of Ohio. This is because the time a fetal heartbeat is able to be detected is about as early as abortions can be performed, after confirmation of the pregnancy and following a woman’s last menstrual period. So, referring to this legislation as a “heartbeat” bill is inaccurate and it should be called exactly what it is – a total ban on all abortion in Ohio.

Second, in past hearings on this total abortion ban and similar legislation, the ACLU of Ohio typically reminds committees these measures go far beyond what courts deem to be acceptable restrictions or regulations. Of course, this time is no different. North Dakota and Arkansas both passed bills very similar to HB 258 and both states were sued. North Dakota has exhausted their appeals with their law ultimately found to be unconstitutional. Arkansas’s law met the same fate, and their law applied to abortions after twelve weeks. In both cases, the Supreme Court of the United States refused the states’ appeals.

This same pattern repeats itself across states sued for bans on abortion when fetal abnormalities are detected, such as Down syndrome. No different for states that ban the dilation and evacuation method of abortion. Again and again, federal and state courts issue injunctions against these radical bills and strike them down.

Finally, it is always worth noting what goes ignored or unresolved while Ohio continually drafts, introduces, debates, and passes unconstitutional laws. In 2015, just over 3,000 Ohioans overdosed and died from illegal drugs. 2016 saw an alarming 36% increase in that number, with at least 4,149 dying. These figures make Ohio *first* among all fifty states, an unwanted and dubious distinction, to say the least. Unfortunately, 2017's numbers will surely surpass 2016's. The only question is by how much.

Members of the House Health Committee, we urge you to oppose House Bill 258 and turn your attention to efforts desperately in need of your attention that will make positive impacts in the lives of your constituents and all of Ohio.