

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/senate-bill-155-opponent-testimony>

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Below is our Chief Lobbyist Gary Daniels' proponent testimony on Senate Bill 155. This was delivered to the Senate Health, Human Services & Medicaid Committee on October 22, 2019.

To Chairman Burke, Vice Chair Huffman, Ranking Member Antonio, and members of the Senate Health, Human Services & Medicaid Committee, thank you for this opportunity to present opponent testimony on Senate Bill 155.

As you have previously heard, the purpose of SB 155 is to lock up doctors in jails and prisons if they do not inform their patients regarding the unproven possibility of "reversing" a chemical abortion.

Proponents have framed this bill as nothing more than providing information to patients. What has been given little consideration is if the information is accurate, scientifically proven, necessary, or even physically harmful.

Indeed, the few existing claims or studies cited or yet to be cited by supporters have been identified as flawed. These flaws range from not utilizing a comparison group, cherry-picking participants, no oversight by an ethics committee, and a lack of essential documentation. This is why a wide range of well-known health organizations conclude there is no reliable evidence of chemical abortion "reversals."

Yet, proponents are so confident this can be and is currently accomplished, they will imprison physicians who refuse to lead their patients astray and possibly violate professional and medical ethics.

Furthermore, SB 155 is constitutionally suspect. In 2018, the Supreme Court of the United States ruled on California requirements regarding so called crisis pregnancy centers in *NIFLA v. Becerra*. This ruling held California law violated the First Amendment rights of these centers because "a disclosure requirement cannot be unjustified or unduly burdensome. Our precedents require disclosures to remedy a harm that is potentially real not purely hypothetical, and to extend no broader than reasonably necessary."

North Dakota is one of several states to pass a bill like SB 155. That state was sued on First Amendment grounds in July 2019. Last month, in September 2019, a federal judge issued a preliminary injunction against North Dakota's law, calling it "devoid of scientific support, misleading, and untrue."

All that said, the ACLU of Ohio does not believe SB 155 is truly about whether this mandatory disclosure is factual or constitutional. It does not really matter whether legislation of this type passes or not. Or whether it is challenged in court. Or if a court strikes it down. So long as the Big Government, anti-choice side can continue to make doctors feel unwelcome in Ohio, push them out of state, and fear being locked in cages.

All of this is part of a well-known and multi-pronged strategy to outlaw abortion, abortion procedures, and regulate it out of existence, as if that is even possible.

Proponents have freely admitted if they cannot outlaw abortion then they will do everything else they can to minimize and end it. SB 155 is a spoke in this larger wheel via supporters who insist there always be at least a few abortion-related bills in play, at all times, in the Ohio General Assembly.

The ACLU of Ohio encourages this committee to reject this unnecessary, inaccurate, constitutionally-suspect bill and vote "no" against Senate Bill 155.

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