

USA: House joins Senate in approving heartbeat abortion bill

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The election of Donald Trump emboldened majority Republicans in the Ohio General Assembly to pass the strictest abortion law in the nation Tuesday.

In a surprise move in the final days of the lame-duck session, the Senate and House adopted the Heartbeat Bill – long sought by some abortion opponents – to outlaw abortions once a fetal heartbeat can be detected, generally about six weeks into pregnancy.

Previous attempts to pass the bill failed over concerns that it would be ruled unconstitutional in the federal courts, as have similar laws in two other states.

“A new president, new Supreme Court appointees change the dynamic, and there was consensus in our caucus to move forward,” said Senate President Keith Faber, R-Celina, when asked why the measure suddenly surfaced to the shock of objecting Democrats.

“I think it has a better chance than it did before,” Faber

said of the bill's chances of surviving a constitutional review by the courts.

Ohio Democratic Women's Caucus Chair Kathy DiCristofaro said "this bill – which was tacked on as a last-minute amendment to a child abuse prevention bill – makes no exceptions for rape or incest victims. It is cruel and plainly unconstitutional – but it seems like Ohio Republicans don't care about the Constitution. Trump's vision for America is already alive and well in the Buckeye State."

Janet Porter, president of Faith2Action who has pushed for passage of the bill for years, sometimes with harsh tactics including protests at members' homes, said, "it's a brand-new day with a Trump-appointed Supreme Court and we are very hopeful ... we will see babies with beating hearts protected again."

In the Senate, Faber engineered passage of the Heartbeat Bill by a 21-10 vote after it was added to an unrelated House-passed bill. House Bill 493 then returned to the House Tuesday night where representatives held an emotional debate and voted 56-39 accept Senate amendments. In past years, the House has twice approved the ban, but it failed to clear the Senate.

With both sides using personal stories and observations, Republicans argued for saving lives, while Democrats argued to protect the sovereignty of a woman's body.

Sen. Kris Jordan, R-Ostrander, introduced the amendment in

the Senate, saying, "This is just flat out the right thing to do. It affords the most important liberty of all – the opportunity to live."

The vote came over the protests of minority Senate Democrats, whose objections were repeatedly turned aside by Faber.

Sen. Minority Leader Joe Schiavoni, D-Boardman, said the amendment violated Senate rules by not being filed in a timely manner prior to session. Schiavoni predicted any such law banning abortions after a fetal heartbeat is detected will be found unconstitutional.

The bill would make it a fifth-degree felony, punishable by up to one year in prison, for a physician to perform an abortion without checking for a fetal heartbeat or performing the procedure after it can be detected. The doctor also could face a civil lawsuit from the mother and disciplinary action.

While several states have considered fetal heartbeat abortion bans, only two passed it, Arkansas and North Dakota. The laws in both states were later found to be unconstitutional by the 8th U.S. Circuit Court of Appeals and declared illegal. The U.S. Supreme Court declined to hear appeals.

Officials of NARAL Pro-Choice Ohio were stunned. The group issued a statement saying, "The unconstitutional six-week abortion ban, known as the 'Heartbeat Bill,' would block access to safe and legal abortion before most women even know they're pregnant. The amendment has no exceptions in the bill

for rape, incest, or to protect the health of the woman and would criminalize doctors who perform abortion procedures, regardless of the reason.”

Executive Director Kellie Copeland added, “Clearly this bill’s supporters are hoping that President-elect Trump will have the chance to pack the U.S. Supreme Court with justices poised to overturn Roe vs. Wade. We must prevent that from happening to protect women’s lives.”

Prior to the House vote, Emmalee Kalmbach, spokeswoman for Gov. John Kasich, declined to comment on the bill. However, Kasich said on several occasions in the past two years he opposed the Heartbeat Bill, primarily because of constitutional concerns. The governor could line-item veto the abortion language since it contains a \$100,000 appropriation to create the Joint Legislative Committee on Adoption Promotion.

Ohio Right to Life President Michael Gonidakis said his organization is neutral on the bill and has been pushing for separate legislation to ban abortions after 20 weeks of pregnancy, which was added last-minute to a House committee Tuesday and also could get a vote this week.

“Our ultimate goal is to overturn Roe v. Wade and we feel the 20-week ban is the best (legal) strategy,” he said. “There is a reason no other state has a Heartbeat Bill.”

Supporting the bill marks a change in stance for Faber. In

February 2015, Faber questioned why, if the Heartbeat Bill is unlikely to be upheld by the courts, lawmakers would pass a bill waiting six weeks to prohibit abortion instead of just banning it outright.

“If life begins at conception, then why are you picking a date where it’s OK to kill babies?” Faber said in 2015.

In the Senate, Republicans Bill Coley of West Chester, Gayle Manning of North Ridgeville and Bill Seitz of Cincinnati joined all Democrats in voting against the amendment. Coley said it will waste millions in taxpayer dollars on legal fees for a bill with no chance of becoming law.

Seven House Republicans voted against the measure, including Reps. Mike Duffey of Worthington, Cheryl Grossman of Grove City and Stephanie Kunze of Hilliard.

About 30 peaceful protestors demonstrated outside the Governor’s Residence in Bexley Tuesday night in opposition to the bill.

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