



Written by [Warren Mass](#) on December 7, 2016

Ohio Legislature Passes Bill Banning Abortions if Fetal Heartbeat Is Detectable

The Ohio state House of Representatives and Senate both passed legislation on December 6 that bans abortion once a fetal heartbeat can be detected. Similar legislation had been approved twice before by the state's lower house, but each time failed to be passed in the Senate.

The legislation now goes to Governor John Kasich, who has not indicated if he will sign it. During his failed presidential campaign, Kasich's campaign website emphasized his pro-life credentials, stating:

As Governor of Ohio, he has enacted more measures to protect unborn children than any other governor in the history of the state, including bans on late-term abortions and bans on elective abortions in public hospitals. As a result, on Gov. Kasich's watch abortions have hit a record low.

Despite his solid pro-life record, however, Kasich has in the past questioned whether legislation such as the "heartbeat" measure would be constitutional.

Kasich's press secretary Emmalee Kalmbach would not say whether the governor favors the bill, in a statement quoted by the *Dayton Daily News*, "The governor believes in the sanctity of human life and has a strong, consistent pro-life record." Kalmbach is a former staff member of Ohio Right to Life.

A similar law banning abortions once a fetal heartbeat was detected was passed by North Dakota in 2013, but blocked by a July 2015 ruling by the 8th U.S. Circuit Court of Appeals.

A similar law passed in Arkansas was also struck down by a U.S. District judge in 2014, a ruling that was also upheld by the 8th U.S. Circuit Court of Appeals.

Both states' attempts to appeal the decisions to the Supreme Court were rejected in January, when the high court declined to review the cases.

When Ohio Senate President Keith Faber was asked by the *Columbus Dispatch* why the measure was quickly and unexpectedly passed, despite opposition from Democrats in the legislature, he said:

A new president, new Supreme Court appointees change the dynamic, and there was consensus in our caucus to move forward.

I think it has a better chance [to received favorable constitutional review by the courts] than it did before.

Some Democrats in the legislature, including Ohio Democratic Women's Caucus Chair Kathy DiCristofaro, did not like the bill, however. She told the *Dispatch*:

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





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already alive and well in the Buckeye State.

The *Dispatch* also quoted Janet Porter, the president of the pro-life Faith2Action, who has worked for passage of the bill for years: “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.”

Senator Kris Jordan (R-Ostrander), who introduced the amendment that added the unborn baby protection language to a child abuse prevention bill in the Senate, said, “This is just flat out the right thing to do. It affords the most important liberty of all — the opportunity to live.”

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