



AMERICAN ATHEISTS

April 30, 2019

The Honorable Rep. Stephen D. Hambley
Chairperson, House Civil Justice Committee
1 Capitol Square, Room 113
Columbus, Ohio 43215

Re: Opposition for SB 27, Testimony from American Atheists in opposition to legislation regarding the disposition of fetal remains from surgical abortions

Dear Chairperson Hambley and Members of the House Civil Justice Committee,

American Atheists, on behalf of its more than 1,700 constituents in Ohio, writes in opposition to SB 27, a controversial bill which would require women to inter or cremate the fetal remains of a surgical abortion. This bill would require a separate confirmation for each zygote, blastocyte, embryo, or fetus aborted. By imposing burial and mourning activities, which are religious by their very nature, this legislation would violate the religious freedom of women and abortion practitioners in Ohio, while subjecting them to additional unnecessary burdens in connection with having an abortion. We strongly urge you to oppose this harmful legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate health care to the religious beliefs of others.

Under SB 27, women seeking abortions would be required to express in writing whether the fetal remains will be buried or cremated. Under this legislation, facilities that conduct abortions would be required to pay for the cremation or interment unless the woman chooses to have the remains interred at a separate location than the one offered by the provider. This would needlessly raise the cost to receive an abortion in Ohio and require the woman to participate in an inherently religious activity, which may very well be at odds with her religious beliefs.

Mourning activities, such as choosing to bury or cremate an unborn fetus, are inherently religious activities because they reflect an individual's beliefs about life and death, the status of the fetus, and their religious practices. While some people choose to bury or cremate fetal remains when they have an abortion or miscarriage, the vast majority do not do so. The state has no place forcing an individual to participate in these religious activities – as this would be a clear violation of their religious freedom. Imagine, for example, if the state forced you to baptize or christen your newborn child or prohibited you from doing so. Because it imposes religious practices on the woman and health care providers involved, this bill is clearly unconstitutional.

While the state has a legitimate interest in the disposal of human remains which may cause disease, this is a vastly different situation. Facilities that perform abortions already have procedures in to ensure that there is no harm to public health from the disposal of any medical remains. Moreover, this bill would apply even if the abortion is so early that there are no discernable fetal remains. Finally, SB 27 does not create similar requirements for burial or cremation for natural miscarriages, which present an equivalent, if not greater, potential risk to public health.

Instead, this bill is focused on creating new obstacles for women and abortion facilities to perform abortions, in the form of additional administrative burdens, costs, necessary contracts with third parties such as cemeteries and crematories, and mandatory religious practices. Ohio has no legitimate purpose to impose these religious practices upon its citizens, particularly not for the purpose of infringing on the constitutionally protected right to abortion.

Like most Ohioans, we believe that women are capable of making decisions about when and how to have families. Women, not lawmakers, should make these critical decisions affecting their lives. We urge you to vote against this harmful and unconstitutional legislation. If you should have any questions regarding American Atheists' opposition to SB 27, please contact me at 908.276.7300 x309 or by email at agill@atheists.org.

Sincerely,



Alison Gill, Esq.
Vice President, Legal and Policy
American Atheists

cc: All Members of the Ohio House Civil Justice Committee.