

Ohio governor signs fetal heartbeat law, setting stage for legal challenges

COLUMBUS, Ohio — Ohio Gov. Mike DeWine signed a bill that would make it illegal to carry out an abortion once a fetal heartbeat is detected.

“The function of government is to protect the most vulnerable among us, those who do not have a voice. Government’s role should be to protect life from the beginning to the end, to protect those who cannot protect themselves, such as the elderly, the unborn, those who are sick, those who have mental illness or have an addiction,” DeWine said at a mid-afternoon signing ceremony at the Ohio Statehouse April 11.

“The signing of this bill is consistent with that respect for life and to ability to sign protect those who cannot protect themselves,” added DeWine, a Republican who is Catholic.

A fetal heartbeat can be detected as early as six weeks into a pregnancy, a timeframe in which many women are unaware they are pregnant.

Opponents of the measure, including American Civil Liberties Union of Ohio, have pledged to challenge the law in court.

The Ohio House April 10 voted 56-40 in favor of the bill. Agreeing with the House’s changes in the legislation, the Senate adopted it a short time later, 18-13, sending it DeWine for his signature. Both votes occurred mostly along party lines with Republicans lined up in favor of it and Democrats opposed.

Voting on the measure followed an impassioned debate in the Ohio House in which proponents and opponents pleaded with legislators to adopt their view as protesters on both sides chanted outside the House chamber.

Under the law, doctors and others who perform an abortion after a heartbeat has been detected or who fail to do an abdominal or transvaginal ultrasound before an

abortion face being charged with a fifth-degree felony punishable by six to 12 months in jail and a \$2,500 fine.

Doctors also could have their license revoked or suspended by the State Medical Board of Ohio and would be fined \$20,000 by the board, with the money being sent to a new state fund for foster care and adoption services.

A woman also could sue the abortion provider for wrongful death and a doctor could not legally justify that the measure is unconstitutional unless a court has determined so.

The bill contains no provision for rape or incest, but does include an exception to preserve the life of a woman after a heartbeat is detected.

Ohio's last chief executive, Republican John Kasich, twice vetoed similar bills, citing concerns of a costly and protracted legal challenge.

Bans on heartbeat abortion have been enacted in Arkansas, Iowa, Kentucky, Mississippi, North Carolina and North Dakota, but some of the laws have been blocked by the courts. A Georgia bill passed by the state Legislature in March has not been signed by Gov. Brian Kemp, although he has pledged to do so. Florida legislators also are considering a heartbeat bill.

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