

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 25, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

Chairman Loertscher called the meeting to order at 8:33 a.m.

MOTION: **Rep. Smith** made a motion to approve the minutes of the February 22, 2016 meeting. **Motion carried by voice vote.**

H 516: **Rep. Nate** presented **H 516**, a bill that requires the Department of Health and Welfare to compile a list of providers that perform free ultrasounds, provide information that states the woman has a right to obtain a free ultrasound, view an ultrasound image and hear tone monitoring, and to provide that no abortion be performed unless the woman is informed prior to the abortion that ultrasound imaging and heart tone monitoring are available. When enacted, this legislation will help ensure that pregnant mothers are offered important accurate medical information prior to undergoing an abortion. He stated the legislation does not require an ultrasound be obtained, it simply offers the option to obtain one.

Kerry Uhlenkott, Idaho Right to Life, spoke **in support** of **H 516** and stated women need access to scientific and medical information about their condition before choosing to have an abortion. She stated that having an ultrasound before an abortion has proven to reduce the number of abortions. She stated 11 states have similar legislation. She stated an abortion is not reversible and the decision should be made by the woman after she is provided with all the information available because it is not an easy decision to make.

Teresa Hammer, representing herself, spoke **in opposition** to **H 516** and stated she feels the bill tries to coerce women into going to pregnancy crisis centers that are affiliated with religious groups who try to deter woman from getting an abortion. She stated an option may be to provide the extra information on the clinic's website instead of printed materials. **Avery Roberts** spoke **in opposition** to **H 516** and stated there are too many injustices to women who decide to have an abortion and the legislation directs women to a lower-standard of health care provided by pregnancy clinics that will try to sway them into not having an abortion. **Marci Glass**, Pastor, spoke **in opposition** to **H 516** and stated she feels the legislation is meant to deter women from getting an abortion. She stated if ultrasounds are to be free to pregnant women, then all other preoperative procedures should be free as well, such as MRIs.

Angela Dwyer, Clinic Manager, Stanton Healthcare Boise, spoke **in support of H 516** and stated last year her clinic provided 418 ultrasounds for free to pregnant women. She stated ultrasounds provide an additional level of informed consent. She stated women need to be provided with the most accurate medical information available and the legislation increases that information.

In response to committee questions, **Ms. Dwyer** stated her clinic, as with others, are regulated by the National Institute of Family and Life Advocates (NIFLA) and follow those guidelines. She stated her staff is fully trained and certified to provide ultrasounds.

Lindsey Rees, Manager/Nurse, Stanton Healthcare Idaho Falls, spoke **in support of H 516** and stated her clinic provides a high standard of care, which includes free ultrasounds to women. She stated her staff support women in their decisions regarding their healthcare. She stated if the legislation is passed it will increase the volume of ultrasounds requested and her office will accommodate those requests accordingly. **Dori Sanstrom**, Stanton Healthcare Twin Falls, spoke **in support of H 516** and stated her clinic provides services to pregnant women free of charge and does not receive state or federal funds. She stated ultrasounds offer an insight to pregnant women about their unborn child. She stated society has put pressure on women to receive abortions as their only choice. She stated education empowers women and allows them to make informed decisions. She stated abortion carries many risks and her clinic offers a variety of services like post-abortion recovery and other counseling. She stated the burden of having to pay for medical information such as an ultrasound should not be a factor in a woman's decision regarding pregnancy options. **Melissa Hemphill**, Idaho Regional Coordinator, Silent No More Campaign, spoke **in support of H 516** and stated the organization has over 17,000 people registered who support the campaign that adds awareness about abortion's adverse effect on society. She stated many women have regretted getting an abortion and have said they wished they had the option to receive an ultrasound prior to doing so.

Hanna Brass Greer, Legislative Director, Planned Parenthood Idaho, spoke **in opposition to H 516** and stated the legislation does not give women more information about their health, it is a way to deter women from receiving an abortion. She stated the legislation pushes women to facilities that would talk them out of getting an abortion.

In response to committee questions, **Ms. Brass Greer** stated Planned Parenthood (PPH) provides ultrasounds when it is medically indicated. She stated she did not know what PPH charges for ultrasounds but that they do offer financial assistance to qualifying patients. She stated PPH provides patients with the information that is mandated to be provided from the Department of Health and Welfare and that they give the patient all of the information available so they can make an informed decision. She stated she did not have any documentation on case studies of any facilities/clinics in Idaho that have been under scrutiny for lack of proper training or staff to conduct ultrasounds. She stated PPH does not have any religious affiliation but they do offer help from clergy if requested. She stated PPH performed over 1,200 abortions in Idaho in 2014, which was the last report completed, and she did not know how many ultrasounds were performed last year or what the cost was to the patient. She stated PPH offers assistance to women who have abortions but the patients have to request that support, there is no follow-up care unless it is requested. She stated they do not keep a database of information on patients who have had abortions and they do not have to sign a waiver waving their right to sue PPH if they develop Post-Traumatic Stress Disorder after having an abortion.

Julie Lynde, Cornerstone Family Council, spoke **in support** of **H 516** and stated an ultrasound is a life-changing tool that offers the ability of a woman to make an informed decision. She stated pregnancy is difficult enough and if a woman is looking at her options, a free ultrasound allows her to have all the information without putting a financial burden on her. She stated many women have changed their minds on having an abortion after having an ultrasound. She stated Health and Welfare have been providing written materials for pregnant women for decades and they are occasionally updated and this addition should be no problem. **David Ripley**, Executive Director, Idaho Right to Life, spoke **in support** of **H 516**.

Lorinda Gatea, spoke **in support** of **H 516** and stated the legislation seeks to put information into the hands of women so they can make informed decisions and it does not funnel them to one place or another for services.

Kathy Griesmyer, Public Policy Strategist, ACLU, spoke **in opposition** to **H 516** and stated when providers speak to women about their pregnancy they speak to them about their care and this legislation is being used to deter women away from having abortions. She stated the legislation invades patient/physician communication and every woman deserves unbiased information about her health.

In response to committee questions, **Ms. Griesmyer** stated the legislation helps to shame women with biased information when they have already made up their mind to have an abortion. She stated she did not have any documentation of instances of facilities not providing all available information to patients in regards to pregnancy options.

Ms. Gwyer was recognized to provide additional testimony and stated many women are still undecided when they go into pregnancy crisis clinics and they should have all information available to them which is provided without bias.

Rep. Nate was recognized for a closing statement and stated the state has laws in place that regulate any place that offers ultrasounds, that is why that language did not need to be included in the legislation. He stated the legislation does not mandate that a woman receive an ultrasound before an abortion, it provides the woman with the information and allows her the opportunity to have one at no cost. He stated in his research he found that Planned Parenthood does not offer free ultrasounds and that they charge patients between \$249-298 per ultrasound. He stated when the inquiry was made via telephone of the price of an ultrasound no questions were asked regarding financial assistance. He stated he did not speak to the Department of Health and Welfare regarding the legislation. He stated there are currently 7 facilities in Idaho that provide ultrasounds free of charge to pregnant women.

MOTION:

Rep. Bateman made a motion to send **H 516** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated children have no power of their own and it is up to society to protect them. He stated when he took his oath of office to become a legislator, he vowed to protect the unborn child.

Rep. Nielsen spoke **in support** of the motion and stated scientific evidence proves the fetus is a living person and therefore is protected by the U.S. Constitution like everyone else. **Rep. Crane** spoke **in support** of the motion and stated an unborn child has no voice and providing women with more information on their health helps them to make the best informed decision.

Rep. Smith spoke **in opposition** to the motion and stated the decision to have an abortion is between a woman, her family, and her physician and the legislation creates another barrier.

SUBSTITUTE MOTION:

Rep. Wintrow made a substitute motion to send **H 516** to General Orders with amendments. She spoke to the motion and stated Idaho does not provide anything for free and if so, the same offering should be made for all medical procedures. She stated the facilities offering free ultrasounds could advertise on their own at no cost to the state.

Rep. McCrostie spoke **in support** of the substitute motion and stated women have the right to make their own decisions and this legislation puts up a barrier to women that have already made up their mind to have an abortion. **Rep. Jordan** spoke **in support** of the substitute motion and stated she would feel personally responsible if something happened to someone who had an ultrasound done at a facility that did not have properly trained staff.

Rep. Barbieri spoke **in opposition** to the substitute motion and stated clinics that provide any medical procedure, including ultrasounds to pregnant women, are already regulated by the law in Idaho. He stated there is no need to add language to the legislation when that language already exists in Idaho statute. He stated it is the State's responsibility to protect life and the mental health of a woman is just as important as their medical health and an opportunity to see an ultrasound or hear heart monitoring helps a woman to make that tough decision of whether or not to receive an abortion.

VOTE ON SUBSTITUTE MOTION:

A Roll Call vote was requested on the substitute motion to send **H 516** to General Orders with amendments. **Motion failed by a vote of 4 AYE, 13 NAY. Voting in favor** of the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen.**

VOTE ON ORIGINAL MOTION:

A Roll Call vote was requested on the original motion to send **H 516** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 4 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Rep. Nate** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:57 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary