



## POLICY BRIEF

# HB 480: OHIO'S PROPOSED TOTAL ABORTION BAN

## OVERVIEW

Ohio legislators introduced House Bill 480 (HB 480) on November 2, 2021, which is a more extreme copycat bill of Texas Senate Bill 8 (SB 8). HB 480 would make all abortion illegal in Ohio. The only exception would be to save the life of a pregnant person; no exceptions are made for any other reason, including pregnancy that is the result of rape or incest. This bill also contains a “personhood” provision, which changes the definition of “person” to include a fetus, embryo, or pre-embryo at any stage of development, throughout the entire Ohio Revised Code. HB 480 defines abortion as “the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate [pregnancy].”

## SPECIFIC PROVISIONS

Like SB 8 in Texas, Ohio’s HB 480 leaves enforcement of the law up to individual citizens, rather than the state or its entities. By having citizens enforce the law, rather than the state, it is harder to bring a lawsuit claiming that the law is unconstitutional. Laws are usually contested and shown to be unconstitutional by suing the state officials who enforce them. Since HB 480 specifies that the state’s executive officials will not enforce the law, this route for proving the bill unconstitutional and blocking it from taking effect is much more difficult.

The bill states that any person may bring a civil action against anyone who performs or induces an abortion, or knowingly aids or abets a pregnant person in accessing abortion. This includes insurance companies that might reimburse abortion costs, or anyone who helps another person pay for, or access, such healthcare. A person can even sue a provider or someone who assists a pregnant person in accessing an abortion based only on statements that cause them to believe an abortion occurred or that someone intends to provide or help another person have an abortion. For instance, a person could be sued for giving someone money to help pay for an abortion, even if the gifter didn’t realize that was how the recipient intended to use the funds. The only people who cannot bring such suits are those who have impregnated an abortion patient via rape or sexual assault. Pregnant people who have abortions are immune from suit.

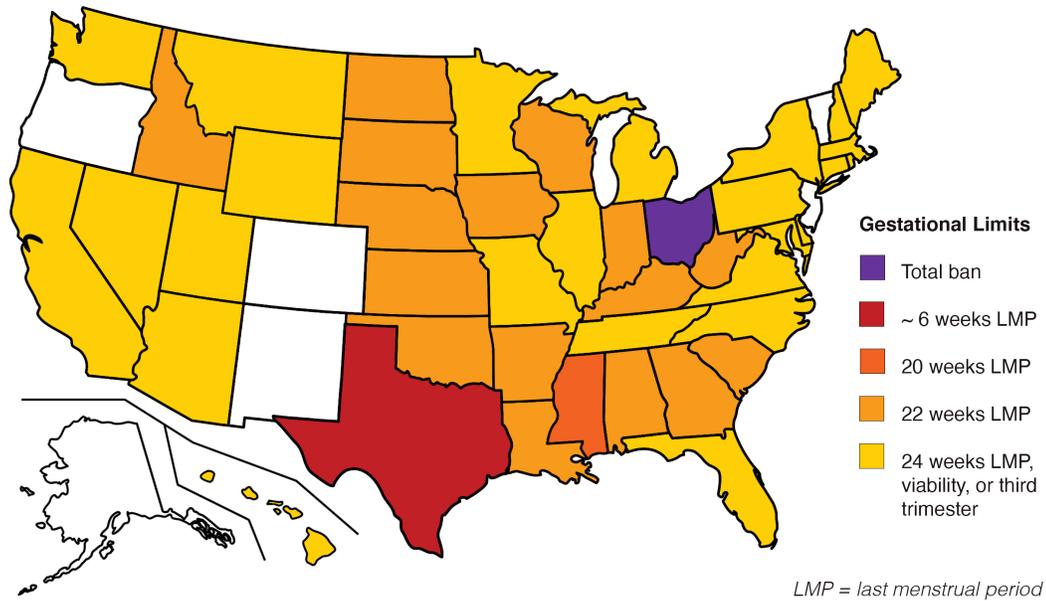
HB 480 maintains that a person who successfully sues an abortion provider, or someone who aids and abets an abortion, will be awarded at least \$10,000 in damages if they are successful, and have their costs and attorney’s fees covered by the defendant. If a defendant prevails in such a case, they would not be allowed to recover any fees. Defendants can be sued an unlimited number of times, by an unlimited number of plaintiffs, for a particular abortion, until the defendant pays monetary damages for that abortion. Abortion providers, and those found guilty of aiding and abetting, will also be prevented from continuing to provide care or help people access care via a court order.

Finally, like SB 8, HB 480 substantially limits the kinds of defenses that may be raised by those who have provided abortions or assisted people in accessing abortions. They cannot raise defenses that defendants in other kinds of lawsuits are permitted to raise, and they can be retroactively held liable for abortions that were legal and constitutionally protected at the time they were performed.

## CONSEQUENCES

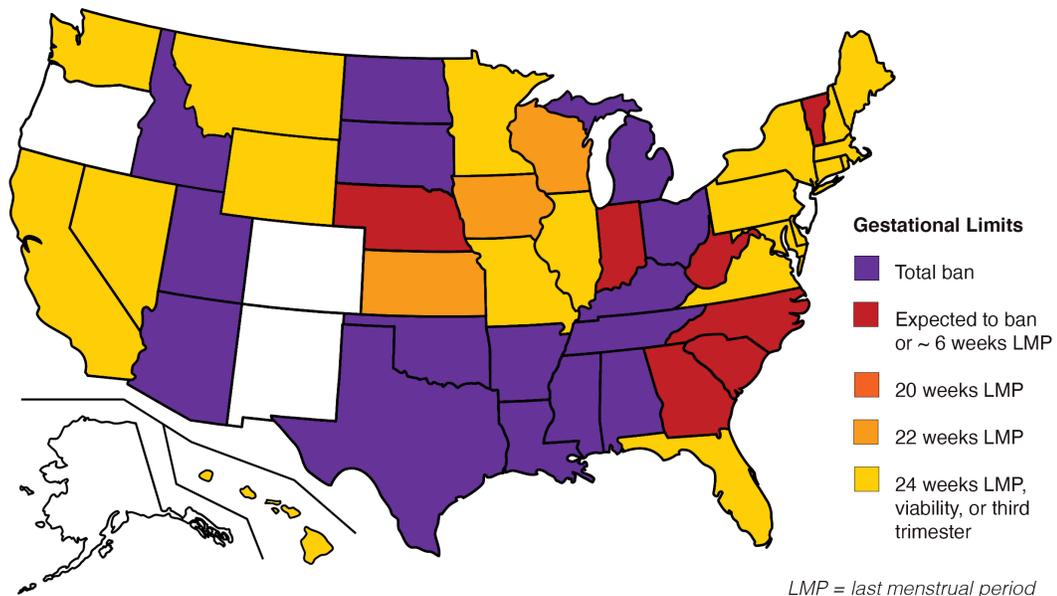
If HB 480 passes and is enforced, all Ohioans would have to travel outside of the state for non-emergency abortion care. This most likely means going to facilities in Michigan, Indiana, Kentucky, West Virginia, or Pennsylvania. Depending on the type of care people need or want, and the capacity of the remaining clinics, they might have to travel even farther. Research also shows that people of limited financial means, people living in rural areas, and people of color are disproportionately impacted by such increased distances to accessing care.<sup>1,2,3,4</sup> Figures 1 and 2 (below) demonstrate where Ohioans could expect to go out of state for care in two legal landscapes. The maps were created utilizing publicly available data from the Guttmacher Institute<sup>5</sup> and the Center for Reproductive Rights.<sup>6</sup>

**Figure 1: Legality of Abortion in America (HB 480 Enforced in Ohio)**



The abortion care landscape for Ohioans becomes more dire if *Roe v. Wade* is weakened or overturned, and states with abortion trigger bans or pre-*Roe* bans go into effect. Trigger bans prohibit abortion immediately if the Supreme Court of the United States issues a ruling that substantially limits *Roe v. Wade* by allowing states to prohibit abortions. Pre-*Roe* bans refer to restrictions on abortion provision that preceded *Roe v. Wade*, which remain on the books and thus might go back into effect if *Roe* falls. In a post-*Roe* scenario, Ohioans should expect to be unable to access abortion care in four of the five bordering states. Michigan has an extant Pre-*Roe* ban, Kentucky passed a trigger ban, and West Virginia and Indiana would be expected to also ban abortion. This means the nearest abortion clinics to Ohioans would likely be in Illinois and Pennsylvania. This scenario could also occur if HB 480 does not pass, but Ohio Senate Bill 123 (SB 123) does - SB 123 is Ohio's trigger ban that would immediately be enforced if a Supreme Court ruling impacted *Roe v. Wade*. *Roe v. Wade* is currently threatened by the outcome of the Supreme Court case *Dobbs v. Jackson Women's Health Organization*, which should be decided in early summer of 2022.

**Figure 2: Legality of Abortion in America if *Roe v. Wade* is Overturned (HB 480 or SB 123 Enforced in Ohio)**



## REFERENCES

- 1 Jerman J, Frohwirth L, Kavanaugh ML, Blades N. Barriers to abortion care and their consequences for patients traveling for services: qualitative findings from two states. *Perspect Sex Reprod Health*. 2017;49(2):95-102. doi:10.1363/psrh.12024
- 2 Fuentes L, Jerman J. Distance traveled to obtain clinical abortion care in the United States and reasons for clinic choice. *Journal of Women's Health*. 2019;28(12):1623-1631. doi:10.1089/jwh.2018.7496
- 3 Jones RK, Jerman J. How far did US women travel for abortion services in 2008? *J Womens Health (Larchmt)*. 2013;22(8):706-713. doi:10.1089/jwh.2013.4283
- 4 Barr-Walker J, Jayaweera RT, Ramirez AM, Gerdt C. Experiences of women who travel for abortion: A mixed methods systematic review. *PLoS One*. 2019;14(4):e0209991. doi:10.1371/journal.pone.0209991
- 5 Guttmacher Institute. "State Bans on Abortion Throughout Pregnancy". <https://www.guttmacher.org/print/state-policy/explore/state-policies-later-abortions>
- 6 Center for Reproductive Rights. "What If Roe Fell". <https://maps.reproductiverights.org/what-if-roe-fell>