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**Testimony of Kathy Griesmyer
SB 1404 – Fetal Rights Bill
Before House State Affairs Committee
Thursday, March 24, 2016**

The ACLU of Idaho stands before you today in opposition to SB 1404.

Simply put, this bill is a solution in search for a problem. No one is buying or selling fetal tissue in the state of Idaho. SB 1404 is part of a nationwide attack on Planned Parenthood and other abortion providers despite the fact that no state that has investigated this issue has found any wrongdoing. Idaho's own Governor Otter refused to investigate Planned Parenthood because there is, and remains, no evidence of any criminal wrong doing. And there is no medical need to impose additional, onerous burdens specifically on those who provide abortion care.

There is already existing federal law governing this issue. 42 U.S.C. 289g-2 states "It shall be unlawful for any person to knowingly acquire, receive or otherwise transfer fetal tissue for valuable consideration." Valuable consideration "does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue."

Medical clinics currently handle embryonic or fetal tissue in accordance with Idaho state law, to ensure that it is safe and appropriate – just as there are laws that regulate disposal by other health care providers.

This legislation also contains vague language definitions that could jeopardize medical clinics or facilities in the final disposition of fetal tissue and the manner in which they legally dispose of medical waste. Section 39-9306 prohibits the transfer of embryonic or fetal tissue, which is directly contradicted in section in 39-9304 which requires institutions to "make arrangements for the release of bodily remains to the mother or her authorized representative for final disposition in accordance with applicable law." Also, the word "institution" is not defined, potentially implicating non-medical facilities to comply with the provisions of this law.

Every woman makes the decision to have an abortion for her own reasons and we cannot know her own personal experiences. Instead of passing laws that further complicates a woman's experience and forcing her to consider burial services or death certificates as outlined in sections in 39-9304 and 39-9305 respectively, we should focus on making sure that she is supported and respected in her decision.

Finally, donated fetal tissue has produced incredibly valuable strides in medical research. According to the Guttmacher Institute, fetal tissue “has been used to develop vaccines that have saved and improved the lives of billions of people worldwide.”¹ Research on degenerative eye disease, human development disorders such as Down Syndrome and early brain development permitting an understanding of the causes of autism and schizophrenia all are highly dependent on fetal tissue research, according to the U.S. Department of Health.

Instead of focusing on these intrusive mandates that threaten women’s health care, lawmakers need to focus on supporting women and their families. SB 1404 is unnecessary and based on a mistaken assumption about the practices in place in Idaho medical facilities. For these reasons, we urge you to vote no and hold SB 1404 in committee.

¹ Boonstra, Heather. “Fetal Tissue Research: A Weapon and a Casualty in the War Against Abortion,” Guttmacher Policy Review, Volume 19, 2016. Available online: <https://www.guttmacher.org/pubs/gpr/19/1/gpr1900916.pdf>