

**Proponent testimony for H.B. 469 to Health Committee
March 1, 2006**

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From Dr. Johnston, clockwise, Elizabeth, Charity, James, Grace, Daniel, Anna (plus the pre-born child due in Sept.)

Educational achievements:

Graduated with B.S. Biology from Florida State University, 1993
Recipient of the McAllister Award in biological research in 1997
Graduated with doctorate in medicine from Nova Southeastern University,
Ft. Lauderdale, Florida, 1998
Graduate from Ohio University family practice residency 2001
On staff at Good Samaritan Hospital & Bethesda Hospital in Zanesville, Ohio

Chart 2

Why this bill should be approved by the Health Committee by 22 to 0:

Our Bi-partisan Common Ground:

"If you are against abortion, don't have one."

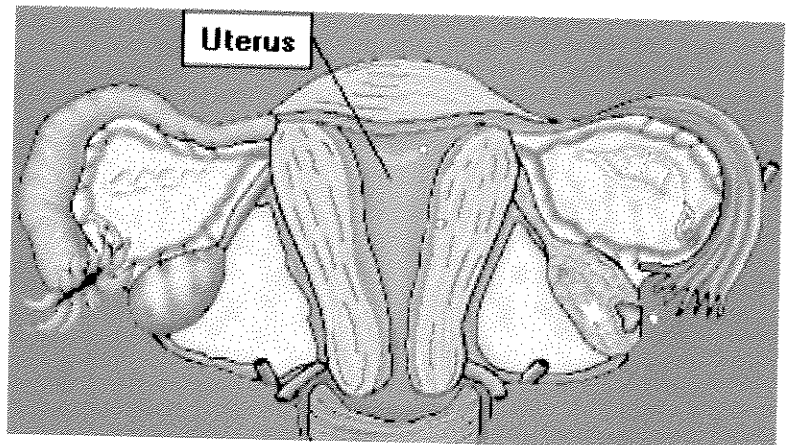
"If you are against abortion, don't do one."

H.B. 469 disallows discrimination of medical professionals who refuse to prescribe or fill a prescription of a medication they deem unethical. Whether or not you are pro-choice or anti-abortion, hopefully we can agree that if a doctor or a pharmacist is against abortion, they shouldn't be forced to do one.

Chart 3

Separating Fact from Fiction: the "morning-after pill," "emergency contraception," or "post-coital contraception," brand name Plan B

Review of reproductive process: Sperm meets ova in the fallopian tubes and



becomes a diploid zygote, genetically and viably distinct and independent of the mother. The newly conceived human being then travels on its honeymoon down to the uterus over the next 7-10 days. Then the rapidly dividing being implants in the uterus wall and begins to derive its nutrition and oxygen from his or her mother via the placenta.

Chart 4

How does the “morning-after pill” work?

Modes of action from the Prescribing Information literature that comes with Plan B (& Physician’s Desk Reference):

1. Inhibit or delay ovulation
2. If ovulation occurs, it prevents fertilization by altering tubal transport of sperm and/or ova
3. If fertilization occurs, it inhibits implantation of fertilized ovum into the endometrium (the inner lining of the uterus)

Mode of action #1 and #2 prevent fertilization. Mode of action # 3 does not prevent fertilization, but causes expulsion of the conceptus from the uterus.

Chart 5

How often does the “Morning-after pill” work by the third mode of action, the post-fertilization mechanism?

American Journal of Obstetrics & Gynecology: "Post-coital drugs act principally to terminate a viable pregnancy by interfering with the endometrium... this mode of action could explain the majority of cases where pregnancies are prevented by the morning-after pill." (Wilks, *op. cit.*, p. 154, "The morning-after pill; How long after?" *American Journal of Obstetrics & Gynecology*, 171:1529-34 (1994).)

Chart 6

When Does Life Begin?

I am aware of the nature by which we listen defensively to such claims as when life begins, always measuring what is said by whether or not it challenges our views on abortion. Let me remind you that the aim of this presentation is not to convince you of when life begins, but to help you see how sensible medical professionals could be convinced that life begins at fertilization. This bill is not about inscribing in law when life begins nor minimizing abortion rights – this legislation is about allowing medical professionals who are convinced that life begins at fertilization to follow their conscience and refrain from dispensing medications that terminate human life.

What is “life”? The following definition holds a tremendous consensus in the scientific community.

The Basics of Biology, a scientific textbook for elementary students, gives five characteristics of living things (as do all public elementary science textbooks).

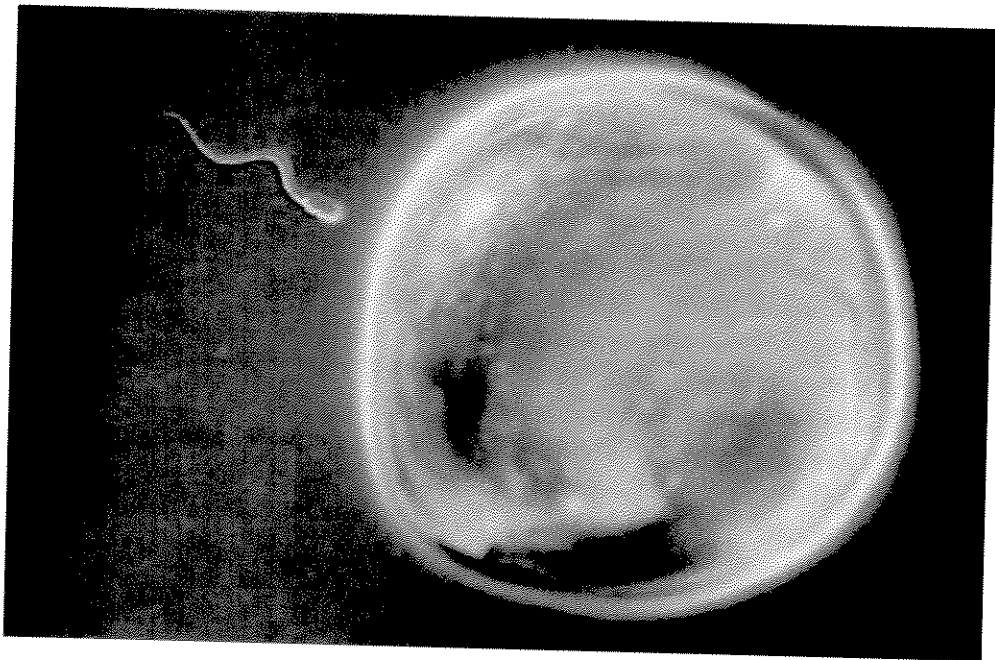
1. Living things are highly organized.
2. All living things have an ability to acquire materials and energy.
3. All living things have an ability to respond to their environment.
4. All living things have an ability to reproduce.
5. All living things have an ability to adapt.

If we to trace your existence to when your life first began, when you were first highly organized, when you could first acquire and metabolize nutrients and oxygen, when you could first begin to grow, where would that point be?

Chart 7

According to this elementary definition of life, life begins at fertilization, when a sperm unites with an oocyte. From this moment of fertilization, the being is highly organized – it's sex, hair and skin color, and facial features are already determined. From the moment of fertilization, the being has the ability to acquire materials and energy, has the ability to respond to his or her environment, and has the ability to reproduce (the cells divide, then divide again, etc., and barring pathology and pending reproductive maturity has the potential to reproduce other members of the species.) Non-living things do not do these things. Even before the mother is aware that she is pregnant, even before implantation of the new human being into the mother's endometrium, a distinct, unique life has begun his or her existence.

Furthermore, that life is unquestionably human. When humans procreate they make more humans. The new human being is not a part of the mother's body. For the first week of life in the fallopian tube, it is completely independent of the mother. The embryo only becomes dependent upon the mother for nutrition after implantation into the endometrium. Genetically and biologically, a unique human life comes into existence when the human sperm unites with a human oocyte. No arbitrary point or stage of development after this point makes us any more human or any more alive.



According to the universally-accepted five scientific criteria which define life, this little human being has been alive for 6 weeks.

We're all just fertilized ovas grown up!

Chart 8

American Association of Pro-Life Obstetricians and Gynecologists, the largest single Special Interest Group within ACOG, states:

"One must be careful of the terminology. Many now speak of 'conception' as that moment when the human *blastocyst*, the early ball of approximately 100 cells, actually implants in the mother's uterus (womb). The time from actual *fertilization* (sperm and egg unite in the Fallopian Tube) until *implantation*, a period of about 7-10 days, is ignored by this definition, even though no genetic change occurs in the cells during this time period. Many family planning specialists who have supported the terminology change can thus rationalize that the destruction of the human embryo between fertilization and implantation should be labeled 'contraception,' rather than 'early abortion'."

The recently contrived mis-definition of "conception" as that which occurs when the newly formed human being implants into the endometrium, is arbitrary and misleading. Human beings are conceived at least a week earlier in one of the fallopian tubes. Traditionally, conception has always thought to have occurred at fertilization.

Chart 9-11

Quotes from famous, well-known physicians

The "Father of Modern Genetics" who identified Downs Syndrome as Trisomy 21, Dr. Jerome Lejeune, M.D., University of Descarte, Paris:

"To accept the fact that after fertilization has taken place a new human has come into being is no longer a matter of taste or opinion... it is plain experimental evidence."

The "Father of *In Vitro* Fertilization," Dr. Landrum Shettles, M.D. Professor of Obstetrics & Gynecology at Columbia University's College of Physicians and Surgeons, and Director of Research at the New York Fertility Research Foundation:

"Conception confers life and makes that life one of a kind."

Dr. Hymie Gordon, M.D., Chairman of the Department of Genetics at the Mayo Clinic:

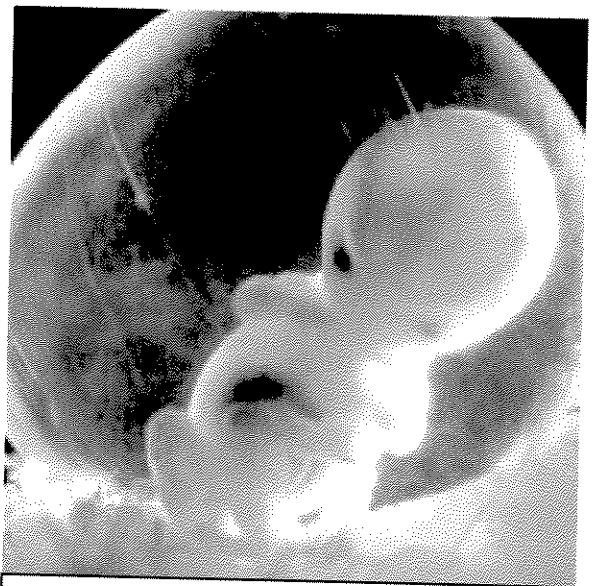
"By all the criteria of modern molecular biology, life is present from the moment of conception."

Dr. McCarthy de Mere, M.D., law professor, University of Tennessee:

"The exact moment of the beginning of personhood and of the human body is at the moment of conception."

Dr. Alfred Bongiovanni, M.D., University of Pennsylvania School of Medicine:

"I am no more prepared to say that these early stages represent an incomplete human being than I would be to say that the child prior to the dramatic effects of puberty ... is not a human being."



According to the universally-accepted five scientific criteria which define life, she's been alive for 8 weeks.

Dr. Micheline Matthews-Roth, M.D., Professor at Harvard University Medical College:
"Each individual has a very neat beginning, at conception."

Chart 12

Life Educational Reprint, 1965 (this was the scientific consensus back then)

"The birth of a human life really occurs at the moment the mother's egg cell is fertilized by one of the father's sperm cells."

Chart 13-15

Quotes from science textbooks:

"Fertilization is a sequence of events that begins with the contact of a *sperm* with a *secondary oocyte* and ends with the fusion of their pronuclei ... and the mingling of their chromosomes to form a new cell. This fertilized ovum, known as a *zygote*, is a large diploid cell that is the beginning ... of a human being." (Moore, Keith L., *Essentials of Human Embryology*. Toronto: B.C. Decker, Inc., 1988, p.2.)

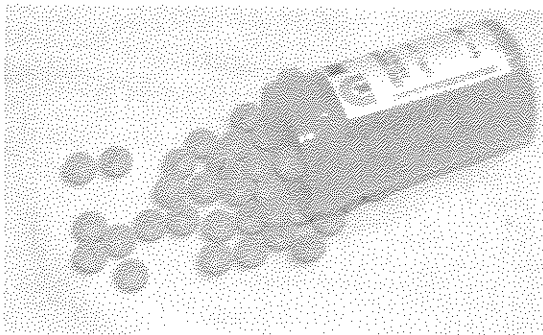
"Although human life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed." (O'Rahilly, Ronan and Müller, Fabiola. *Human Embryology and Teratology*, 2nd edition. New York: Wiley-Liss, 1996, pp. 8, 29).

"Almost all higher animals start their lives from a single cell, the fertilized ovum (zygote). ... The time of fertilization represents the starting point in the life history, or ontogeny, of the individual." (Carlson, Bruce M., *Patten's Foundations of Embryology*, 6th edition. New York: McGraw-Hill, 1996, p.3.)

Chart 16

H.B. 469 is a reasonable extension of current law because, to a medical professional who is convinced life begins at fertilization, a "procedure" to induce an abortion is identical to prescribing or filling a prescription for an abortion-inducing medication.

Which is more fatal to the newly formed human being? The "procedure" with the surgical curette? Or the termination by the abortifacient mechanism of the morning-after pill?"



Fetus

Curettage

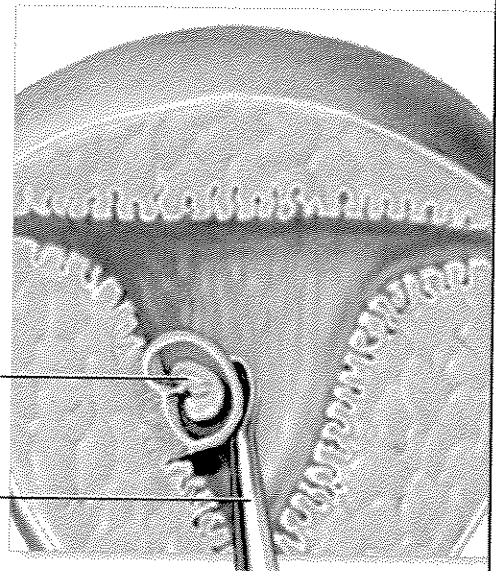


Chart 17

H.B. 469's clause that allows medical professionals to refuse to prescribe or fill a prescription for a medication that "may result in an abortion or termination of life" is a natural extension of the present principle enshrined in the Ohio revised code Sec. 4731.91D, because the "procedure" to terminate a pregnancy is just as fatal to a newly formed human being as the "morning-after pill" (with the caveat that the suction curettage abortion is effective at terminating a life later in life whereas the "morning-after pill is effective earlier in life.)

Chart 18-19

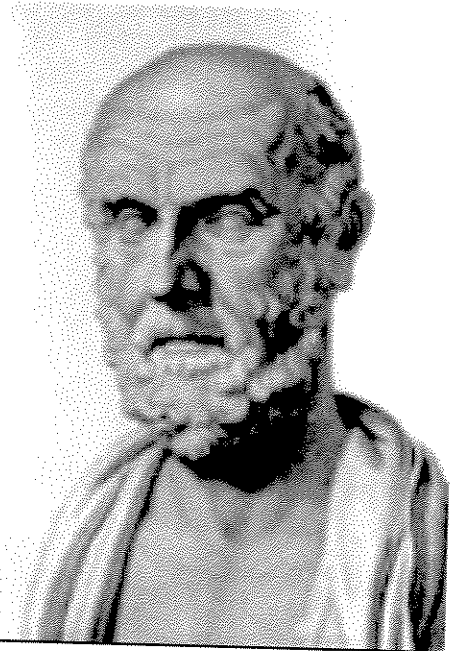
Conclusion of visual aids: To a medical professional who is convinced that life begins at fertilization, giving a medicine that *may* kill an innocent human being, or that will kill an innocent human being a significant percentage of the time, is the same unconscionable act as performing an abortion "procedure." Just because the "morning-after pill" *can* act as a contraceptive does not negate the fact that prescribing it will abort another human being a significant percentage of the time. Just as the five empty barrels in the six-shooter does not justify pulling the trigger when the gun is aimed at another, the innocent, contraceptive potential of the "morning-after pill" does negate its abortifacient effect.

Chart 20

Original Hippocratic oath, circa 400 B.C.

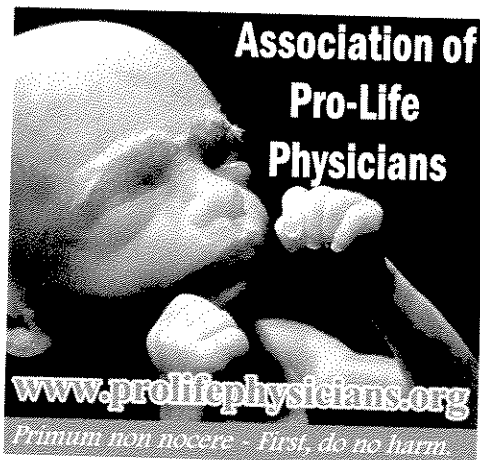
"I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly, I will not give to a woman an abortive remedy."

Hippocrates would not have prescribed the "morning-after pill." Could he have practiced with a clean conscience in Ohio, or would we have persecuted him for his ethical standards?



Hippocrates, "the father of medicine," whose oath forbade physicians from prescribing "an abortive remedy."

Chart 21



Position statement of the Association of Pro-Life Physicians: "It is true that the morning-after pill may act as a contraceptive; if it is taken before ovulation, it may act to prevent conception. But if the pill is taken during or after ovulation, conception may and frequently does occur and then, the makers of the morning-after pill freely admit, it acts by preventing implantation of the newly-formed human being into the uterine wall. This mode of action is not contraceptive because it does not prevent conception, but rather, this causes an abortion of a week-old human being. Prescribing or consuming this pill, therefore, is a reckless disregard for human life, all of its contraceptive potential notwithstanding."

Any questions?

Testimony before the Ohio House Health Committee
March 1, 2006

My name is Lee Hakel.
1435 Cedar Lane
Bowling Green OH 43402

I am surprised that the Health Committee of the Ohio House of Representatives would consider any bill that will dramatically increase the number of abortions in this state. This is why I came today from Bowling Green to speak against HB 469.

There is general agreement that the number of abortions should be decreased. No one wants there to be more abortions. We know that the best way to decrease the number of abortions is to increase the availability and use of contraception. Yet, HB469 will just the opposite. By allowing ANY PERSON (not just pharmacists, but nurses, LPNs, nurse practitioners, physicians) to refuse to dispense medication such as contraception, we know there will certainly be an increase in unintended pregnancies and therefore in abortions. This is especially true if emergency contraception is the medication withheld.

But HB469 goes way beyond birth control and abortion and gives ANY PERSON who dispenses medication the right to use their own individual values to veto considered decisions made by physicians and patients. The rights of the individual dispenser of medication now trump not only the rights of the patient, but of the collective will of the citizens of Ohio and the Supreme Court who have, though law, decided what is and what is not a legally prescribed medication.

Sentiment in northwest Ohio is against this bill. The Toledo Blade editorial of 2/7/06 called for those in medicine to "do the job." The editorial concludes, "Health-care workers have to do their jobs. If they don't like what that means, maybe they should find some other line of work."

In a second letter to the Blade editor this week concerning "opt-out" laws, the writer states "These laws are just another excuse for continuing prejudice, judgment, and self-righteousness."

Please don't allow health care in our state to become a patch-work of service, dependent on the arbitrary decisions of self-righteous individuals focused on their own self-interest. Patients have the right to a better system.

I believe that every child deserves to be a healthy, wanted child. To that end, I urge you to enact laws that make access to contraception easier...not more difficult. This misguided bill, HB469, will not reduce abortion, it will increase it.

Please oppose HB469.

Thank you.