



Testimony of the American Civil Liberties Union of Kentucky

To Members of the Senate Standing Committee on Judiciary

Regarding House Bill 451

March 26, 2020

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Chairman Westerfield and members of the Committee:

My name is Jackie McGranahan and I am the Field Organizer for Reproductive Rights at the ACLU of Kentucky. Unfortunately, I am not able to attend this meeting in person, due to limited Capitol access and public health recommendations to avoid large gatherings as a result of COVID-19. I still wanted to share information regarding House Bill 451 and hope you will accept this letter as my testimony

The ACLU supports the rights of people to determine their own life path and make their own family planning decisions. Whether or not we agree on the issue of abortion, we can all agree that the decision to become a parent is a big one, and that the best person to make that decision is the person facing it. We oppose this bill because the members of the Kentucky General Assembly should not be able to force anyone to remain pregnant against their will. House Bill 451 is yet another effort by the General Assembly to target abortion providers – and abortion providers alone – with legislation that could ultimately push abortion care out of reach for all Kentuckians, regardless of their circumstances.

This bill seems to be a blatant power grab – there is simply no indication why it should be within the powers of the Attorney General to oversee medical facilities or medical providers. The Cabinet for Health and Family Services is explicitly tasked with overseeing all licensed medical providers and facilities in the Commonwealth, and ensuring that those providers and facilities are in compliance with all applicable laws and regulations. This was the case when the administration of CHFS was staffed with former-Governor Bevin appointees, and it remains the case under Governor Beshear. This responsibility is simply not within the purview of the Attorney General's Office, as evidenced by the fact that the Attorney General's oversight role is not being expanded for anything other than abortion providers.



Giving this oversight role to the Attorney General, *in addition to* the role CHFS will continue to play, threatens to undermine abortion access in Kentucky. It is simply not necessary to expand this oversight role to the Attorney General's Office, and seems geared toward allowing the current Attorney General to seek to shut down Kentucky's providers.

Moreover, this latest attempt by Kentucky lawmakers to completely outlaw abortion does not take into account access to abortion for even the most vulnerable: Kentuckians who are pregnant as a result of rape, Kentuckians who are pregnant as a result of incest, Kentuckians who have been tricked into pregnancy by an abusive partner, Kentuckians with life-threatening complications, or Kentuckians with a serious fetal diagnosis. Kentucky lawmakers apparently don't believe that pregnant people are equipped to decide what is best for them and their families. They think the government knows better. House Bill 451 is the latest evidence that they are bound and determined to force people to remain pregnant against their will.

Additionally, it is especially important to highlight the concern we have for people who are pregnant and in an abusive relationship. Kentuckians are practicing social-distancing and staying at home to prevent the spread of COVID-19. Individuals in abusive relationships are at an increased likelihood of experiencing violence because they have been ordered to stay home and do not have the option of leaving their abusive partners. We must not close off all options to survivors of domestic violence, especially during this time of increased vulnerability.

We should not task our Attorney General with acting under the behest of, or at the whim of, anti-abortion legislators. Abortion providers are already heavily regulated and under constant oversight scrutiny. I urge you to vote no on House Bill 451. Thank you for taking the time to read this today.

Sincerely,

Jackie McGranahan