

**Testimony of Colleen Connell, J.D.
Executive Director of the Roger Baldwin Foundation
of the ACLU of Illinois
Opposing House Bill 3156
House Agriculture Committee
March 15, 2011**

My name is Colleen Connell. I am the Executive Director of the Roger Baldwin Foundation of the ACLU of Illinois (ACLU), and I submit this testimony in opposition to House Bill 3156. House Bill 3156 will impose excessive and costly regulation on health care facilities in which abortions are performed. House Bill 3156 singles out abortion for discriminatory treatment that is ideologically, rather than scientifically, driven, and is inconsistent with the system of regulation created by the Illinois Department of Public Health (IDPH) and successfully and effectively enforced for the past two decades.

Prior to becoming the Executive Director of the ACLU, I was the Director of its Reproductive Rights Project and, in that capacity, served as lead counsel for the plaintiffs in the lawsuit entitled *Ragsdale v. Turnock*. In that case, the United States District Court and Court of Appeals enjoined the State of Illinois from applying the Ambulatory Surgical Treatment Center (ASTC) Act and regulations to facilities in which abortions were performed because the State's regulatory scheme was unconstitutional – it infringed, without medical justification, on women's ability to effectuate their fundamental right to choose to terminate a pregnancy. The State of Illinois regained its regulatory authority pursuant to a Consent Decree in *Ragsdale*

v. Turnock. The *Ragsdale* Decree permitted regulation in accordance with science, tailored to patient health and safety, as opposed to the ideologically based system of regulation that had been enacted by the State and subsequently outlawed by the federal courts.

In accordance with the *Ragsdale* Decree, IDPH tailored their regulation of facilities in which abortions are performed to patient health and safety, promulgating regulations based on the existing standards and guidelines of professional medical organizations and published data and research. IDPH has regulated facilities under this system for two decades and has done so safely and effectively.

House Bill 3156 would upend this system and impose again an unconstitutional set of regulations driven by ideology rather than patient safety. The ACLU opposes House Bill 3156 because it will require facilities that offer abortion care to meet excessive and costly regulatory requirements that are unrelated, and in some cases contrary, to patient health and safety.

IDPH thoroughly and effectively regulates facilities in Illinois in which surgical procedures, including abortions, are performed. There is no medical reason to change that system now. Already, 92% of the counties in Illinois have no abortion provider. House Bill 3156 will force many of the remaining facilities to close, leaving women without access to essential health care.

In addition to significantly increasing the cost of this essential medical care – both for patients and health care providers – House Bill 3156 will impose additional, and medically unnecessary, regulatory burdens on the Department of Public Health, at increased cost to the taxpayers of this State. In these economically challenging times, it is difficult to understand how this body could choose to impose needless regulatory burdens on our State’s governmental agencies.

There can be no purpose in upending the existing system of regulation other than to seek to impose the same unconstitutional burdens on the fundamental right to terminate pregnancy that led the federal courts to enjoin the ASTC Act and regulations in *Ragsdale v. Turnock*. We urge you to let science dictate and avoid the unnecessary cost to the State of Illinois of further litigation about regulatory requirements long found to impose a substantial burden with no medical justifications. We urge you to vote NO on House Bill 3156. Thank you.