

Federal Court upholds Ohio law barring state agencies from funding Planned Parenthood

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DCNF (<https://dailycaller.com/2019/03/12/court-ohio-funding-ban-planned-parenthood/>)



(Photo by Olivier Douliery/Getty Images)

A federal court upheld an Ohio law barring state agencies from funding abortion organizations Tuesday, ruling that abortion providers don't have a constitutional right to perform abortions.

The United State Court of Appeals for the 6th Circuit

ruled Tuesday (<https://assets.documentcloud.org/documents/5766213/3-12-19-6th-Circuit-Planned-Parenthood.pdf>)

in *Planned Parenthood of Greater Ohio et al. v. Hodges* to place a permanent injunction on state funds going to support Planned Parenthood.

The ruling upheld a 2016 state law barring its health department from funding organizations that perform, promote, or contract with affiliates that perform or promote non-therapeutic abortions. The court also wrote in its decision that Planned Parenthood doesn't have a constitutional right to perform abortions.

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The court found that while Ohio cannot condition a benefit that requires recipients to sacrifice their constitutional rights, "that condition does not violate the Constitution because the affiliates do not have a due process right to perform abortions," the decision reads. "The Supreme Court has never identified a freestanding right to perform abortions," the ruling also states.

Tuesday's decision comes after two

Planned Parenthood (<https://dailycaller.com/2019/02/24/former-planned-parenthood-workers/>)

affiliates sued Ohio over its law barring public funds from supporting the abortion organization, arguing that the law violates the First and Fourteenth Amendments and the Due Process Clause by requiring Planned Parenthood to give up their right to provide abortions in order to receive funding.

Planned Parenthood (<https://dailycaller.com/2019/01/21/planned-parenthood-taxpayers-funds-2018/>)

claimed the law indirectly achieved what the state could not directly prohibit.

A district court agreed with Planned Parenthood and permanently enjoined the State from enforcing the 2016 law.

The court found Tuesday, however, that while Planned Parenthood is “correct that the Ohio law imposes a condition on the continued receipt of state funds,” the law does not violate any federal protections because the abortion organization has no constitutional right to perform abortions.

The court also ruled that Ohio’s law doesn’t violate a woman’s right to obtain an abortion. Federal and state law already prohibits public funds from going towards organizations that perform abortions.

Tuesday’s ruling comes after Republican Ohio Gov. John Kasich signed a bill (<https://dailycaller.com/2018/12/23/ohio-ban-dismemberment-abortion/>) in December banning dilation and evacuation abortions, a common second-trimester abortion method.

Kasich vetoed a bill (<https://dailycaller.com/2018/11/21/john-kasich-heartbeat-bill-veto/>) banning abortion upon the presence of a fetal heartbeat in late November after vetoing

(https://www.cleveland.com/open/index.ssf/2016/12/gov_john_kasich_vetos_anti-abo.html)

a similar “heartbeat bill” in 2016.

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Planned Parenthood (<https://dailycaller.com/2019/03/01/planned-parenthood-dark-culture-demise/>)

did not immediately respond to The Daily Caller News Foundation’s request for comment.

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