



September 5, 2018

ATTORNEY GENERAL MADIGAN FILES AMICUS BRIEF OPPOSING EFFORTS TO DEFUND PLANNED PARENTHOOD***Madigan, 17 AGs Argue that Ohio Law Violates First Amendment & Due Process Clause***

Chicago — Attorney General Lisa Madigan, as part of a coalition of 18 attorneys general, filed an amicus brief with the U.S. Court of Appeals for the Sixth Circuit, challenging an Ohio state law that would defund Planned Parenthood and other health service providers that perform or promote abortions. The full appellate court will hear the matter en banc on Oct. 3.

Madigan and the coalition [filed the amicus brief](#) in *Planned Parenthood of Greater Ohio v. Himes*, arguing that Ohio's law violates the First Amendment and the Constitution's Due Process Clause because the law imposes an unconstitutional condition on state grants that infringes on plaintiffs' right to free speech, plaintiffs' right to provide access to abortion services, and their patients' right to receive such services.

"Restricting funding to providers because they provide abortion services is not only irresponsible, but also unconstitutional," Madigan said. "Access to affordable health care services is essential and providers like Planned Parenthood ensure that women can get the care they need."

The brief highlights the fact that since 2009, 20 states have now passed laws or taken executive actions to prohibit family-planning and other public health funds from being awarded to Planned Parenthood affiliates and other providers of abortion services, even when those funds are specifically directed to support services that have nothing to do with abortion. The federal government has proposed the so-called Title X "gag rule" that would prevent health care providers who participate in Title X's family-planning program from referring their patients for safe, legal abortions. Additionally, Congress has passed a resolution that encourages states to pass defunding measures, repealing a Department of Health and Human Services rule that prohibits states from denying federally funded family-planning grants for reasons unrelated to the entity's ability to provide family-planning services.

Ohio's law, which was enjoined before it could take effect, would have prohibited the state from awarding public health grants to providers who perform or promote safe and legal abortions, even though the grants have nothing to do with abortion services. Those grants instead provide funds for other health services, such as education to prevent violence against women, screening for breast and cervical cancer, HIV and AIDS prevention, testing and treatment of sexually transmitted diseases, and infant mortality prevention.

With defunding efforts of this kind proliferating around the country, Madigan and the coalition seek to ensure the availability of safe abortion services and other important public health services from accessible providers in each of their states and protect the right of providers to engage in constitutionally protected activity.

Joining Madigan in filing the amicus brief were the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia and Washington.

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