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Sixth Circuit Upholds Ohio Law Defunding Planned Parenthood

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In a closely watched decision, this past week the U.S. Court of Appeals for the Sixth Circuit upheld an Ohio law permitting Ohio to defund Planned Parenthood clinics. [See *Planned Parenthood of Greater Ohio v. Hodges*, Case No. 16-4027 \(Mar. 12, 2019\)](#). An 11 to 6 majority of the full panel of the Sixth Circuit reversed a district court decision enjoining a 2016 Ohio law that barred Ohio's health department from funding organizations that perform nontherapeutic abortions. In challenging the law, Planned Parenthood claimed that it would lose \$1.5 in annual funding as a result. Specifically, Planned Parenthood claimed that the law violated "the First and Fourteenth Amendments by conditioning government funding on giving up their rights to provide abortions and to advocate for them."

In reversing the decision of the district court, the panel held that this funding "condition does not violate the Constitution" because the affiliates of Planned Parenthood "do not have a due process right to perform abortions." Because it held that providers do not have a constitutional right to perform abortions, it did not need to reach the free speech claim.

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