Attorney General Frosh Joins Amicus Brief Opposing Efforts to Defund Planned Parenthood

Coalition of 16 Attorney Generals Opposes Ohio State Law that Would Defund Planned Parenthood; Attorneys General Argue that Ohio Law Violates First Amendment and Due Process Clause

BALTIMORE, MD (April 6, 2017) - Maryland Attorney General Brian E. Frosh today joined a coalition of 16 Attorneys General in filing 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.

The Attorneys General argue that the Ohio law violates the First Amendment and Due Process Clause because the law imposes an unconstitutional condition on state grants that infringes on plaintiffs’ right to free speech, as well as plaintiffs’ right to provide access to abortion services, and their clients’ right to receive such services.

“Thousands of women depend on Planned Parenthood and other health care providers for essential family planning and women’s health care services,” said Attorney General Frosh. “As Attorney Generals, we are committed to protecting women’s constitutional right to make their own healthcare decisions.”

In addition to Maryland, the amicus brief filed last night was signed by 15 other Attorneys General including California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Massachusetts, New Mexico, New York, Oregon, Vermont, Virginia, Washington, and the District of Columbia.

Click here to read the amicus brief.

The brief highlights the fact that, since 2009 alone, at least 15 states have 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. Similarly, congressional Republicans have sought to defund abortion service providers as part of their unsuccessful bid to repeal the Affordable Care Act. While this measure is on hold for now, Congress has also 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, the Attorneys General seek to ensure the availability of safe abortion services and other important public health services from accessible providers in each of their states, and to protect the right of providers to engage in constitutionally-protected activity.