



June 26, 2015

Governor John Kasich
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215

Dear Governor Kasich:

The ACLU of Ohio writes to strongly urge you to veto the abortion restrictions within House Bill 64. The ACLU has consistently advocated for policies that support women's decision making, advance women's health and well-being, and ensure strong, healthy families. The ACLU of Ohio opposes the abortion restrictions in HB 64 because they jeopardize women's health with regulations that inappropriately target abortion care.

Current law already requires clinics to have a transfer agreement with a local hospital; this bill specifies that the hospital may not be further than thirty miles from the clinic. This type of requirement that is intended to force clinics to close is constitutionally suspect; courts have blocked similar admitting privileges laws from taking effect in Alabama, Louisiana, Mississippi, Oklahoma, and Wisconsin. In addition to this legal precedent, medical experts like the American College of Obstetricians and Gynecologists and the American Medical Association oppose these laws precisely because they "do nothing to protect the health of women and are incongruous with modern medical practice." Brief for Am. Coll. Of Obstetricians and Gynecologists & Am. Med. Ass'n as Amici Curiae, *Planned Parenthood et al. v. Abbott*, 2014 WL 1257965 (5th Cir. Mar. 27, 2014).

A second provision within the budget would permit the state to force clinics to close by simply avoiding the state's responsibility to respond to a request for a variance, even though doing so violates constitutional procedural due process protections. Under this rule, a health care facility could be forced to immediately close without a hearing or even an explanation. The U.S. Court of Appeals for the Sixth Circuit has held that providers have a property interest in the continued operation of their business, and that denying a pre-deprivation hearing before ordering a clinic closed violates due process rights. *Women's Medical Professional Corp. Baird*, 438 F.3d 595 (6th Cir. Feb. 17, 2006).

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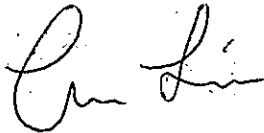


This amendment is in clear violation of longstanding Ohio Supreme Court precedent that "[t]he right to a hearing generally is a basic right, and where it is withheld, that right is clearly and substantially affected. Nor is that right any less affected because of the existence of an adequate appellate remedy at the close of the administrative proceeding." *Union Camp Corp. v. Whitman*, 375 N.E.2d 417, 419-20 (Ohio 1978).

The Supreme Court of the United States has long held that laws that place a substantial burden on a woman who needs to end a pregnancy are unconstitutional. *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 846 (1992). By threatening to close clinics and thereby block a woman's access to necessary care, this bill enacts just such an unconstitutional burden. We urge you to veto these two provisions, not only because they expose the state to the risk of expensive litigation at a time when we can least afford it, but because they place politics above a woman's health.

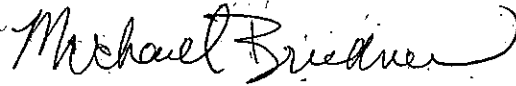
If you have any questions about the ACLU of Ohio's position on this matter please do not hesitate to contact us directly.

Sincerely,



Christine Link
Executive Director

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Michael Brickner
Senior Policy Director

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