



Written by [Raven Clabough](#) on December 11, 2019

## Missouri Fights for Right to Defund Abortion Facilities Before State Supreme Court

The state of Missouri is fighting for the right to defund Planned Parenthood after the abortion provider filed suit against the state's budget language, which prohibits the use of state Medicaid dollars to fund abortion facilities and their affiliates.

In 2018, the state's Republican-controlled legislature approved budget language that prevents Medicaid funding from going to any abortion facilities. The bill stated, "No funds shall be expended to any abortion facility as defined in Section 188.015, or any affiliate or associate thereof."



And while the language was upheld by the Administrative Hearing Commission, the revision to last year's budget was overturned by a St. Louis circuit court judge, Kansas City Star reports. Judge David Dowd [determined](#) lawmakers could not legislate multiple subjects under one bill and were required to use plain language in appropriations bills.

According to Missouri House Budget Chair Cody Smith, the committee rewrote the language to avoid the issues raised by the circuit court.

"Because of the [court] decision that we should not reference statute in [budget] language, we took that out and then rewrote it, trying to preserve the spirit of the original intent of that language," Smith said.

The new appropriations bill reads, "No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital."

Meanwhile, the state appealed the circuit court's ruling to the Supreme Court and lawyers from both sides appeared before the court on Tuesday to make their arguments.

Planned Parenthood attorney Chuck Hatfield contends the language was in violation of a state law that requires Medicaid funds be used to pay for patient family-planning services, but Missouri Solicitor General D. John Sauer counters that the state cannot be bound to a "specific act of appropriation in the future" by a previous legislature. Sauer contends the lawmakers acted within their authority in stripping the abortion provider's funding.

Hatfield claims the budget language amounts to lawmaking through the budget process. Lawyers for the abortion provider are claiming that the state's refusal to pay for services provided through Planned Parenthood is disruptive to women's healthcare.

"Women have been for decades coming to Planned Parenthood for cancer screenings, pap smears and birth control pills," Hatfield said. "It's very disruptive to have to change providers.... There is a shortage of Medicaid providers in the state so it is important for Planned Parenthood to continue to provide those



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services.”

But as noted by Life News, women can still access Medicaid services in the state through hundreds of other federally qualified community health clinics, and unlike Planned Parenthood’s relatively limited selection of non-abortion services, the 500-plus clinics in Missouri provide comprehensive healthcare services.

Likewise, the measure does not impact whether women can be seen at Planned Parenthood facilities, but rather restricts the funds that go to those facilities.

“We are not saying women can’t go to these facilities — this is not a prohibition of women going to these facilities,” said Smith. “This is a prohibition of taxpayer dollars from going to these facilities.”

It is unclear when the court may issue a decision on the case, and though this particular case affects just two Planned Parenthood facilities in the St. Louis region, the decision will set a precedent for all 12 clinics throughout the state, KCUR reports.

While Planned Parenthood claims Medicaid dollars are not used to directly pay for abortions, pro-life advocates recognize the taxpayer dollars help to subsidize the business, which has declared abortion to be its “core mission.”

Courthouse News notes Tuesday’s hearing is the latest in an ongoing fight between Missouri and Planned Parenthood. Both sides appeared before the Missouri Administrative Hearing Commission in October to argue whether the St. Louis clinic could keep its abortion license. A ruling on that case is not expected until February.

The Missouri attorney general’s office is also in the process of appealing an injunction that bars the state from enacting a 2019 fetal heartbeat law in a case expected to be heard by the 8<sup>th</sup> U.S. Circuit Court of Appeals in April 2020.

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