

Ohio abortion clinics ask judge to block abortion ban permanently

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Ohio abortion clinics are asking a judge to strike down the state's ban on most abortions after voters approved a ballot measure protecting reproductive rights.

The clinics' argument is simple: "The right to abortion is now explicitly protected in the Ohio Constitution." Even Ohio Attorney General Dave Yost, a Republican, has conceded that Ohio's ban on most abortions would violate the new constitutional standard.

"Today's filing marks a pivotal moment in our long challenge to the unlawful and extreme six-week abortion ban," Ohio's abortion clinics and the American Civil Liberties Union of Ohio wrote in a statement. "The Ohio Constitution now plainly and precisely answers the question before the court – whether the six-week ban is unconstitutional – in the affirmative."

Attorneys for the clinics asked Hamilton County Common Pleas Court Judge Christian Jenkins to permanently block the 2019 abortion ban. They said it violates new abortion rights in the Ohio Constitution, which voters approved, 57-43%, in November.

It's likely that Jenkins, who ruled there was a constitutional right to abortion before the ballot measure passed, will approve the clinics' request.

At issue is a law that bans doctors from performing abortions after cardiac activity is detected, which is about six weeks gestation. The ban took effect for several months last year after the U.S. Supreme Court overturned Roe v. Wade, sending decisions about abortion access back to state lawmakers and judges.

That ban has been on hold since September 2022, when Jenkins blocked it temporarily. Yost appealed the decision to the Ohio Supreme Court, which is considering whether to dismiss or continue that case.