



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
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EARL RAY TOMBLIN  
GOVERNOR

March 2, 2015

**VIA HAND DELIVERY**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill No. 2568

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill No. 2568. I am advised the bill is unconstitutional under controlling precedent of the Supreme Court of the United States because it prohibits the termination of certain pregnancies prior to viability. *See Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 879 (1992) (holding a state "may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability"); *see also Isaacson v. Horne*, 716 F.3d 1213 (9<sup>th</sup> Cir. 2013), *cert. denied*, 134 S. Ct. 905 (Jan. 13, 2014) (declaring Arizona's fetal pain statute unconstitutional; statute prohibited the termination of pregnancy at twenty weeks gestation, before the fetus is viable).

Sincerely,

A handwritten signature in cursive script that reads "Earl Ray Tomblin".

Earl Ray Tomblin  
Governor

cc: The Hon. William P. Cole, III  
President of the Senate

The Hon. Natalie E. Tennant  
Secretary of State