

Appellate court: Idaho abortion law likely illegal

September 11 2012, by Rebecca Boone

(AP)—The 9th U.S. Circuit Court of Appeals says some Idaho abortion laws are likely unconstitutional, including one barring medication-induced abortions. But the judges didn't pass judgment on Idaho's fetal pain law, saying a woman who sued over the law doesn't have standing to challenge it.

Jennie McCormack was believed to be the first person in the nation to sue over bans on abortions after 20 weeks based on the premise that the fetus might feel pain. Idaho and several other states have the bans.

McCormack of Pocatello sued after she was charged with using medication to end a pregnancy that was more than five months along. Idaho requires that health professionals perform abortions.

The court says McCormack can't fight the fetal pain law because she wasn't charged under it.

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