

Fed judge: Texas abortion limits unconstitutional

October 28 2013, by Chris Tomlinson

New abortion restrictions passed by the Texas Legislature are unconstitutional and will not take effect as scheduled on Tuesday, a federal judge has ruled.

District Judge Lee Yeakel wrote Monday that the regulations violated the rights of abortion doctors to do what they think is best for their patients and would unreasonably restrict a woman's access to abortion clinics.

Lawyers for Planned Parenthood and other abortion providers brought the lawsuit, arguing that a requirement that doctors have admitting privileges at a hospital within 30 miles (48 kilometers) of the [abortion clinic](#) would force the closure of a third of the clinics in Texas. They also complained that requiring doctors to follow the Food and Drug Administration's original label for an [abortion](#)-inducing drug would deny women the benefit of recent advances in medical science.

Beth Shapiro, chairwoman of board of directors of Lubbock's Planned Parenthood Women's Health Center, said no hospital in Lubbock has granted privileges to the lone doctor from eastern Texas who flies in to do abortions when there are procedures scheduled. There is not incentive for hospitals to do so, she said.

"I don't see why local hospitals would give privileges to someone who's not going to admit patients," Shapiro said. "I don't see what the business and financial incentive would be," she said. ... It's "more work and not

going to increase patient load."

The Texas attorney general's office argued that the law protects women and the life of the fetus. Attorney General Greg Abbott was expected to file an emergency appeal of Yeakel's order to the 5th Circuit Court of Appeals in New Orleans.

Mississippi passed a similar law last year, which a [federal judge](#) also blocked pending a trial scheduled to begin in March. Mississippi's [attorney general](#) asked the 5th Circuit to lift the temporary injunction so the law could be enforced, but the judges have left it in place signaling they believe there is a legitimate constitutional question.

Unlike the Mississippi case, Yeakel's order is a final decision, setting the groundwork for the 5th Circuit to review the merits of the law, not just an injunction against it.

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