

Supreme Court lets Texas abortion law stay for now

November 20 2013, by Chris Tomlinson



In this July 12, 2013, file photo, abortion rights supporters rally on the floor of the State Capitol rotunda in Austin, Texas. A sharply divided Supreme Court on Tuesday, Nov. 19, 2013, allowed Texas to continue enforcing abortion restrictions that opponents say have led more than a third of the state's clinics to stop providing abortions. (AP Photo/Tamir Kalifa, File)

A third of Texas' abortion clinics will stay closed after the U.S. Supreme Court declined to intervene in an ongoing legal dispute over a tough new law that Planned Parenthood claims unconstitutionally restricts women's

rights.

At least 12 Texas [abortion](#) clinics have been closed since October, after a three-judge panel of the 5th Circuit U.S. Court of Appeals allowed the law requiring doctors who perform abortions to have admitting privileges at a nearby hospital to take effect.

No more than 20 clinics were able to meet the new standard, and some women must travel hundreds of miles (kilometers) to obtain an abortion. All of the facilities that remain open are in metropolitan areas, with none in the Rio Grande Valley along the border with Mexico.

The Supreme Court's decision Tuesday isn't the final say on the restriction. But it means that the law will remain in effect while Planned Parenthood's lawsuit challenging it continues. The 5th Circuit Court of Appeals plans to have a hearing in January on the lawsuit.

Texas is the nation's second-most populous state, and an average of 80,000 abortions are performed there each year.

The Supreme Court's decision came in an appeal of a decision from a 5th Circuit panel that said Texas could enforce the law at least until the panel can hold a hearing in January. The 5th Circuit's ruling came after U.S. District Judge Lee Yeakel blocked the provision, saying it served no medical purpose and created an illegal barrier for women seeking an abortion.



In this July 9, 2013, file photo, opponents and supporters of an abortion bill hold signs near a news conference outside the Texas Capitol, in Austin, Texas. A sharply divided Supreme Court on Tuesday, Nov. 19, 2013, allowed Texas to continue enforcing abortion restrictions that opponents say have led more than a third of the state's clinics to stop providing abortions. (AP Photo/Eric Gay, File)

Supreme Court Justice Antonin Scalia wrote in a sharply divided 5-4 opinion that abortion clinics had failed to prove that the 5th Circuit acted improperly. Writing for the minority, Justice Stephen Breyer said the better course would have been to block the law at least until the three-judge appeals panel issued its final ruling because some women will be unable to obtain abortions.

The five justices and three appeals court judges who sided with Texas are all Republican appointees. The four dissenting justices are Democratic appointees. Yeakel, who initially blocked the provision, is a Republican appointee.

Republican Gov. Rick Perry praised the Supreme Court action.

"This is good news both for the unborn and for the women of Texas, who are now better protected from shoddy abortion providers operating in dangerous conditions. As always, Texas will continue doing everything we can to protect the culture of life in our state," Perry said.

Cecile Richards, president of Planned Parenthood Federation of America, said the groups will continue the legal fight.

"This law is blocking women in Texas from getting a safe and legal medical procedure that has been their constitutionally protected right for 40 years. This is outrageous and unacceptable—and also demonstrates why we need stronger federal protections for women's health. Your rights and your ability to make your own medical decisions should not depend on your ZIP code," Richards said.

The Texas law on admitting privileges was part of a package of abortion restrictions that the GOP-controlled Legislature passed over the summer. The restrictions, which are among the toughest in the nation, gained notoriety when Democratic state Sen. Wendy Davis launched a nearly 13-hour filibuster against them in June.

Although several conservative states in recent months have approved broad abortion limits, the Texas ones were particularly divisive because of the number of clinics affected and the distance some women would have to travel to get an abortion.

The other states that are enforcing laws on admitting privileges are Tennessee and Utah. Courts have temporarily halted similar laws in Alabama, Kansas, Mississippi, North Dakota and Wisconsin.

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