

US appeals panel strikes down state's abortion law

July 30 2014, by Emily Wagster Pettus



FILE - This Aug. 21, 2013 file photo shows Sister Mary Dorothea Sondgeroth, right, leading abortion opponents in prayer on the sidewalk in front of the Jackson Women's Health Organization Clinic in Jackson, Miss. A federal appeals court panel ruled Tuesday, July 29, 2014, that a Mississippi law that would close the state's only abortion clinic is unconstitutional. (AP Photo/Rogelio V. Solis, file)

(AP)—A U.S. appeals court panel ruled Tuesday that a Mississippi law that would close the state's only abortion clinic is unconstitutional.

The case is the latest in the decades-long struggle by some social conservatives to chip away at a woman's [constitutional right](#) to have an [abortion](#). The issue remains one of the country's most sensitive, politically and otherwise, with various challenges in a number of states.

The Mississippi case involves one of the poorest states in the country. The law would have left women there going to other states for an abortion.

The three-judge panel of the 5th U.S. Circuit Court of Appeals ruled in a case involving the state's 2012 law, which required physicians at the Jackson Women's Health Organization to obtain admitting privileges at a local hospital.

Physicians at the clinic applied for the privileges at area hospitals but were unable to get them.

Attorneys for the state argued that if the clinic closed, women could get abortions in other states.

The appeals panel ruled that a U.S. Supreme Court decision in 1973 established a constitutional right to abortion. The panel ruled that Mississippi may not shift its obligation for established constitutional rights of its citizens to another state.



This Nov. 21, 2013 file photo shows anti abortion protester Mary McLaurin calling out to a patient hidden on the other side of a sign outside the Jackson Women's Health Organization clinic in Jackson, Miss. A federal appeals court panel ruled Tuesday, July 29, 2014 that a Mississippi law that would close the state's only abortion clinic is unconstitutional. (AP Photo/Rogelio V. Solis, File)

"Today's ruling ensures women who have decided to end a pregnancy will continue, for now, to have access to safe, legal care in their home state," Nancy Northup, president and CEO of the Center for Reproductive Rights, said in a news release.

A spokeswoman for Mississippi Attorney General Jim Hood said the state is considering its options.

"This measure is designed to protect the health and safety of women who undergo this potentially dangerous procedure, and physicians who provide abortions should be held to the same standards as physicians who perform other outpatient procedures," Gov. Phil Bryant said in a statement.

Ten other states have similar laws, which have forced a growing number of clinics to close.

The ruling from the conservative 5th Circuit was narrowly crafted to address the situation in Mississippi, but it could have implications for other states with similar laws and dwindling access to abortion, like Wisconsin and Alabama, whose officials have said women could cross state lines if clinics close, said the center's litigation director, Julie Rikelman.

Many hospitals ignore or reject abortion doctors' applications and won't grant privileges to out-of-state physicians.

Supporters of admitting-privileges laws say they protect women's health by ensuring that a physician who performs an abortion in a clinic would also be able to treat the patient in a hospital in case of complications.

Opponents say the requirement is unnecessary, since patients in distress are automatically treated in emergency rooms.

The Mississippi clinic remains open, using out-of-state physicians who travel to Mississippi to do abortions several times a month.

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