

Judge throws out part of suit against Louisiana abortion law

May 12 2015, by Janet McConnaughey

A federal judge ruled Tuesday that Louisiana's law requiring abortion clinic doctors to gain hospital admitting privileges could pose too great an obstacle to abortions even though there's a rational reason for the law.

U.S. District Judge John deGravelles in Baton Rouge threw out part of a challenge to the law but refused to dismiss the entire lawsuit. He scheduled a trial for June 22-29 over the state's requirement for [doctors](#) performing abortions to be able to admit patients to a hospital within 30 miles of their clinics.

"We are pleased that the judge's ruling recognizes that an admitting provisions requirement like Louisiana's is medically reasonable and we look forward to the trial," said Kyle Duncan, an attorney representing the state.

Ilene Jaroslaw, an attorney at the Center for Reproductive Rights, was also pleased. The center represents three of the state's five abortion clinics.

"What the judge was saying is: evidence matters, facts matter, and the state can't hide behind a technicality to obscure the fact that the point of this law is just to shut down abortion clinics," she said.

The 5th Circuit Court of Appeals, which covers Texas, Louisiana and Mississippi, upheld a nearly identical Texas law last year, saying it was meant to keep patients and doctors together. DeGravelles (duh-GRAY-

el) said he's bound by that ruling, but that's "only one part of the test for constitutionality."

He noted that the 5th Circuit overturned Mississippi's admitting [privileges](#) law. That decision said the law would have made it too hard for women to get abortions by closing the state's only [abortion](#) clinic.

The Texas and Mississippi cases were heard by different three-judge panels, and Mississippi is asking the full 5th Circuit to reconsider last year's decision.

Duncan said deGravelles will consider two questions: the Louisiana Legislature's purpose when it passed the law in 2014 and the effect it would have on access to abortions.

Jaroslav said, "If the state says that their purpose is to help women and it has a net effect of harming women—which in fact it does—it will shed a lot of light on the true purpose."

Six doctors currently perform abortions in Louisiana, according to deGravelles' ruling.

Jaroslav said four of them do not have hospital admitting privileges. Of the two with such privileges, one doctor—in north Louisiana—has a thriving obstetrics and gynecology practice and works part-time at an [abortion clinic](#). The other performs abortions in both Baton Rouge and New Orleans and lives closer to Baton Rouge but has admitting privileges only in New Orleans, Jaroslav said.

Louisiana is among many [states](#) which has passed restrictions on abortions in recent years.

While Louisiana's case remains in court, DeGravelles has ordered the

state not to penalize doctors who have applied for hospital admitting privileges and are waiting for responses.

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