

Blocked Indiana abortion law comes amid procedure's decline

July 4 2016, by Tom Davies



Ken Faulk, left, legal director of ACLU of Indiana, and Betty Cockrum, president of Planned Parenthood of Indiana and Kentucky, discuss the preliminary injunction they won on a law that would have banned abortions sought because of a fetus' genetic abnormalities during a press conference in Indianapolis, Thursday, June 30, 2016. A federal judge blocked an Indiana law Thursday that would have banned abortions sought because of a fetus' genetic abnormalities, saying that the state does not have the authority to limit a woman's reasons for ending a pregnancy. (AP Photo/Michael Conroy)

A federal judge's decision to block a new Indiana abortion law from taking effect was a setback for anti-abortion activists who backed the push to tighten restrictions on the procedure that are already among the most strict in the country.

Provisions put on hold a day before they were to take effect Friday would have banned abortions sought because of a fetus' genetic abnormalities, such as Down syndrome or because of the race, gender or ancestry of a fetus, and required that aborted fetuses be buried or cremated.

Abortion foes say other laws adopted by the Republican-dominated Legislature have helped spur a nearly 20 percent decline in the number of abortions performed in Indiana between 2010 and 2014.

AT ISSUE

Planned Parenthood of Indiana and Kentucky and the American Civil Liberties Union of Indiana sued in federal court to block the law adopted by the General Assembly in March, arguing that it was unconstitutional and violated women's privacy rights. Attorneys for the state maintained that the law was a response to DNA testing advances and that the state has an interest in "preventing discrimination" against fetuses based on screening for genetic defects or to determine their gender.

U.S. District Court Judge Tanya Walton Pratt said in her decision that the law would go against U.S. Supreme Court rulings that have declared states may not prohibit a woman from seeking an [abortion](#) before a fetus is able to live outside the womb.

It is unclear what impact, if any, the restrictions would actually have on

abortions, as women could cite other reasons—or not give any—for seeking an abortion.

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POLITICAL IMPACT



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Republican Gov. Mike Pence faced a barrage of criticism after signing the bill, with hundreds of abortion rights supporters attending a Statehouse rally and activists organizing an online "Periods for Pence" campaign encouraging women to call the governor's office to update him about their menstrual cycles.

Pence, who was a prominent abortion rights opponent while serving in Congress before being elected governor in 2012, has maintained his support for the measure. Pence is facing a tough re-election campaign against Democrat John Gregg and will be counting on a strong turnout from his evangelical base in November.

Gregg had positioned himself as a social conservative during his time as Indiana House speaker, but said he would have vetoed what he called "an unnecessary, irresponsible, poorly thought-out law."

WHAT'S NEXT?

The judge issued a temporary injunction, meaning the challenged provisions can't be enforced by Indiana officials. The state can continue to defend the law and seek to have it ultimately upheld.

The anti-abortion group Indiana Right to Life called on the state to appeal the judge's decision. The state attorney general's office said it would review the ruling before deciding how to proceed.

Indiana University has filed a separate federal lawsuit challenging a section of the new law making it a crime to sell or acquire fetal issue. The school argues the provision would illegally interfere with work by its scientists, such as Alzheimer's disease research using cell cultures derived from fetal tissue.

Attorneys for IU and the state have agreed to put enforcement on hold until the university's challenge is resolved.



In this April 9, 2016, file photo, hundreds of abortion rights supporters gather at the Indiana Statehouse in Indianapolis to protest an anti-abortion law signed by Gov. Mike Pence, that is among the most restrictive in the U.S. U.S. District Judge Tanya Walton Pratt has said she will issue a ruling before Friday, July 1, when the law adopted this year by the GOP-dominated Legislature is set to take effect. (Mykal McEldowney/The Indianapolis Star via AP, File)

ABORTION DECLINE

Federal courts have rejected Indiana's attempts in recent years to prohibit entities that perform abortions from obtaining state funding, and

to end the distribution of abortion pills at a Planned Parenthood clinic in Lafayette by requiring it to meet the same standards as surgical abortion clinics.

But the number of abortions performed in Indiana has dropped from 10,031 in 2010 to 8,118 during 2014, according to the most recent reports from the state Health Department. Abortion opponents attribute that decline, in part, to laws adopted in recent years requiring that pregnant women be given an opportunity to view an ultrasound image and hear the fetal heartbeat before an abortion.

Abortions in the state are now only available at six clinics in Indianapolis, Merrillville, Bloomington and Lafayette since a doctor stopped performing abortions at clinics he operated in Fort Wayne, South Bend and Gary in the past couple years.

TEXAS RULING IMPACT?

The U.S. Supreme Court's June 27 ruling against Texas' regulation of abortion clinics isn't having any immediate impact on similar Indiana laws.

The court struck down Texas' requirements that doctors performing abortions have admitting privileges at nearby hospitals and clinics to meet hospital-like standards for outpatient surgery. Indiana law says doctors performing abortions must have hospital-admitting privileges, but lets them reach an agreement with another doctor who does.

Planned Parenthood of Indiana and Kentucky President Betty Cockrum said the group's three surgical abortion sites already meet the state's surgical clinic and doctor admitting-privileges requirements.

"The discussion we've had so far is that we've been in compliance for however long they've been on the books," she said. "It might be a little difficult to argue that they are unduly burdensome."

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