

Court clears way for Arkansas abortion pill rules

July 28 2017, by Andrew Demillo

An appeals court panel cleared the way Friday for Arkansas to restrict how the abortion pill is administered in the state, saying a judge didn't estimate how many women would be burdened by a 2015 law's requirement.

A three-judge panel of the 8th U.S. Circuit Court of Appeals in St. Louis vacated U.S. District Court Judge Kristine Baker's preliminary injunction against the law. The measure requires doctors providing the pill to maintain a contract with another physician with admitting privileges at a hospital who agrees to handle any complications.

The panel sent the case back to Baker and said the judge should look into the number of [women](#) who would be unduly burdened by the requirement and whether it amounts to a "large fraction" of women seeking the [abortion pill](#) in Arkansas. Arkansas won't be able to enforce the law until the appeals court decision takes effect in about 14 to 21 days, the [attorney general](#)'s office said.

"The court correctly held that individuals for whom the contract-physician requirement was an actual, rather than an irrelevant, restriction were women seeking medication abortions in Arkansas. Nonetheless, it did not define or estimate the number of women who would be unduly burdened by the contract-physician requirement," the 8th Circuit panel wrote. "Instead, it focused on amorphous groups of women to reach its conclusion that the Act was facially unconstitutional."

Planned Parenthood has said it would no longer be able to offer the [abortion](#) pill at its Little Rock and Fayetteville health centers if the law takes effect; it does not offer surgical abortions at those clinics. The other abortion provider in the state would be able to offer only surgical abortions.

Planned Parenthood Great Plains, which had sued over the restrictions, said all abortion services will continue at its Little Rock and Fayetteville facilities while the group evaluates its legal options.

"Let's be clear, laws like this one have no basis in quality patient care and are intended to end access to safe, legal abortion," Laura McQuade, president and CEO of Planned Parenthood Great Plains, said in a statement. "Ideological extremists in the state house, not medical experts, design these policies that have no basis in medical science."

Attorney General Leslie Rutledge, a Republican, described the legislation as a "common sense law" that protects women's health.

"The injunction was vacated because Planned Parenthood failed to show that the state law is a substantial obstacle, preventing most women from having access to abortion services," she said in a statement.

The decision came as Baker is weighing whether to block four new Arkansas abortion laws, three of which are set to take effect next week. The laws being challenged include a ban on a common second-trimester abortion procedure and part of a measure prohibiting doctors from performing abortions based solely on whether the mother wants a boy or a girl.

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