

Kentucky abortion fight aimed at second-trimester procedure

November 13 2018, by Bruce Schreiner

Attorneys for Kentucky's socially conservative governor and the state's only abortion clinic opened their latest legal fight Tuesday, this time over a lawsuit challenging a state law aimed at a common second-trimester procedure to end pregnancies.

During opening statements in federal court, an attorney for the clinic said the law is unconstitutional because it would "all but eliminate" abortions for women seeking the procedure during their second trimester of pregnancy.

The attorney, Alexa Kolbi-Molinas with the American Civil Liberties Union, said the procedure targeted by the state law is "safe and medically proven," and she accused the state's lawyers of "demonizing" the method.

Steve Pitt, lead attorney for Republican Gov. Matt Bevin's legal team, described the procedure as "brutal, gruesome and inhumane" that results in a fetus being torn apart "limb by limb."

Pitt said the law does not create a "substantial obstacle" for women seeking abortions. It doesn't ban the procedure, he said, but requires that other methods be used first to cause fetal demise. Kolbi-Molinas said those methods can result in medical risks to patients.

The measure—passed this year by Kentucky's GOP-led legislature and signed by Bevin—was suspended soon after the clinic filed the lawsuit,

pending the outcome of the trial.

Before the trial began, a group of anti-abortion activists gathered in a prayer circle outside the federal courthouse.

One of the participants, Joyce Ostrander of Lexington, said she wanted to show her support for what she considers a "reasonable statute."

"Why would anybody defend dismembering a live, unborn child when there are other options?" she said.

Abortion opponents, many dressed in red, sat in the courtroom as the trial began in U.S. District Court in Louisville. The trial is expected to last several days and both sides will present a number of witnesses, including doctors.

Chief District Judge Joseph H. McKinley Jr. is presiding over the trial without a jury and will issue a decision later.

Lawyers for the clinic say the new law amounts to an unconstitutional ban on an abortion procedure known as "dilation and evacuation." The procedure was used in 537 of 3,312 abortions done in Kentucky in 2016, according to state statistics.

The state's lawyers argue the law would still allow use of the D&E procedure, but only after doctors use a "more humane way" to induce fetal death through another [procedure](#).

Clinic attorneys note that similar laws in a handful of other states were struck down, though some cases are being appealed.

Under the Kentucky law, abortion providers violating the law would be guilty of a felony carrying up to five years in prison. Women undergoing

such abortions would not face prosecution.

Kentucky Republicans have pushed through measures putting limits and conditions on abortion since assuming complete control of the state's legislature in 2017. Those actions have spurred a series of legal fights between Bevin's administration and Kentucky's only remaining abortion clinic, EMW Women's Surgical Center in Louisville.

Two abortion-related laws have been struck down in court since, but Bevin's administration has appealed both cases.

One of those laws, enacted in early 2017, would require doctors to perform ultrasounds and then show and describe the ultrasound images to pregnant women, who could avert their eyes. The other law, passed two decades ago, required a Kentucky [abortion](#) clinic to have written agreements with a hospital and ambulance service in case of medical emergencies. Bevin's administration cited that law in a fight that threatened the state's last [abortion clinic](#).

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Citation: Kentucky abortion fight aimed at second-trimester procedure (2018, November 13) retrieved 6 May 2024 from

<https://medicalxpress.com/news/2018-11-kentucky-abortion-aimed-second-trimester-procedure.html>

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