

Ruling leaves Ohio ban on Down syndrome abortions on hold

October 11 2019, by Kantele Franko and Julie Carr Smyth

A federal appeals court on Friday upheld a judge's decision to put on hold an Ohio law prohibiting doctors from performing abortions based on a fetal diagnosis of Down syndrome.

The 2-1 ruling from a panel the 6th U.S. Circuit Court of Appeals in Cincinnati said the law signed in 2017 by former Republican Gov. John Kasich is likely unconstitutional but didn't make such a declaration outright.

The Ohio Attorney General's Office said the state will seek reconsideration by the full 6th Circuit.

The ruling is a disappointment for [abortion opponents](#), who had promoted the law as an anti-discrimination measure.

The Ohio law specifically outlawed abortions in cases where there was a positive test result or prenatal diagnosis indicating Down syndrome. Under that law, physicians convicted of performing an abortion under such circumstances could be charged with a fourth-degree felony, stripped of their medical license and held liable for legal damages.

The [pregnant woman](#) faced no criminal liability under the law, but it still fell into a category of restriction that abortion-rights groups label "reason bans" because they attempt to get into the mind of the pregnant woman as she is deciding whether to continue or end a pregnancy.

The American Civil Liberties Union sued the Ohio Department of Health, the state [medical board](#) and county prosecutors over the law on behalf of Planned Parenthood and several [abortion providers](#).

"We hope today's decision sends a clear message to anti-abortion politicians about our [reproductive rights](#)," Jessie Hill, the attorney who argued the matter for the abortion providers, said in a statement.

A [federal judge](#) placed the state law on temporary hold last year, saying federal law is clear that states can't limit a woman's right to terminate a pregnancy before viability. The state appealed, leading to Friday's decision.

Ohio Right to Life, the state's oldest and largest anti-abortion group, said it was saddened by the ruling.

It "serves to show the moral contradictions and outright discrimination imposed by abortion jurisprudence that sorely need to be settled," Stephanie Ranade Krider, the group's vice president, said in a statement.

The group had promoted the law as a protection to "lethal discrimination" against children with a rare and, the group argued, widely misunderstood condition.

Down syndrome is a genetic abnormality that causes developmental delays and [medical conditions](#) such as heart defects and respiratory and hearing problems.

According to the National Down Syndrome Society, about one in every 700 babies in the United States—or about 6,000 a year—is born with the condition, which results from a chromosomal irregularity.

The rarity of the condition has prompted abortion rights groups to paint

the Down syndrome bans as part of a thinly veiled effort to continue chipping away at a woman's right to an abortion.

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Citation: Ruling leaves Ohio ban on Down syndrome abortions on hold (2019, October 11)
retrieved 18 April 2024 from

<https://medicalxpress.com/news/2019-10-ohio-syndrome-abortions.html>

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