

# State adopts US's most restrictive abortion law (Update)

6 March 2013, by Andrew Demillo

Lawmakers in the southern state of Arkansas passed on Wednesday the most restrictive abortion law in the United States—a near-ban on the procedure from the 12th week of pregnancy onward that is certain to end up in court.

A day after the Republican-led state Senate voted to override Democratic Gov. Mike Beebe's veto, the Republican-controlled House of Representatives voted to do the same. Only a simple majority was needed in each chamber.

The 56-33 vote comes less than a week after the Legislature overrode a veto of a separate bill banning most abortions starting in the 20th week of pregnancy. That bill took effect immediately after the final override vote, whereas the 12-week ban wouldn't take effect until this summer.

Abortion rights proponents have already said they'll sue to block the 12-week ban from taking effect. Beebe warned lawmakers that both measures are likely to fail in court and that the state would end up wasting money defending them if they became law.

So far, other recent attempts to similarly restrict abortion in other states have fallen short. A so-called fetal pain law banning abortions after 20 weeks of pregnancy was struck down Wednesday night by a federal judge in Idaho. The law was based on disputed beliefs held by some physicians and others that the fetus is able to feel pain at 20 weeks and therefore deserves protection from abortions.

In Mississippi, voters rejected a so-called "personhood amendment" at the polls. In Ohio, a similar measure was defeated in the legislature, but they represent a growing trend in conservative states to chip away at abortion rights under the Supreme Court's landmark 1973 *Roe v. Wade* ruling that legalized abortion until a fetus could viably survive outside the womb. A fetus is

generally considered viable at 22 to 24 weeks.

Beebe rejected both measures for the same reasons, saying they were unconstitutional.

The measures' supporters, who expected court challenges, were undaunted.

"Not the governor, nor anyone else other than the courts, can determine if something is constitutional or unconstitutional," Rep. Bruce Westerman, said in urging his colleagues to override Beebe.

Bill sponsor Sen. Jason Rapert, watched the vote from the House gallery and said a number of law firms have offered to help the state defend the laws in court, if it comes to that.

"The Arkansas Legislature has once again disregarded women's health care and passed the most extreme anti-women's health bill in the country," said Jill June, the CEO of Planned Parenthood of the Heartland. "With this bill, the Arkansas Legislature will force many women to seek unsafe care."

The 12-week ban would prohibit abortions from the point when a fetus' heartbeat can typically be detected using an abdominal ultrasound. It includes exemptions for rape, incest, the life of the mother and highly lethal fetal disorders. The 20-week prohibition includes all of the same exemptions except for fetal disorders.

Six Democrats joined with Republicans in voting to override the veto of the 12-week ban. Last week, only two Democrats voted to override the veto of the 20-week ban.

In vetoing both measures, Beebe has cited the costs to the state if it has to defend either ban in court. The American Civil Liberties Union of Arkansas has vowed to sue if the state enacts the 12-week ban and the group said it was considering

legal action over the 20-week restriction as well.

"I think today, for whatever reason, the Arkansas House turned its back on the women of Arkansas and said we don't think you're capable of making your own decisions," said Rita Sklar, ACLU of Arkansas' executive director. Sklar said the group planned to file suit in federal court in the next couple weeks.

The original version of Rapert's bill would have banned abortions as early as six weeks into a pregnancy, but he changed the measure after facing resistance from some lawmakers worried that it would require the use of a vaginal probe.

Women who have abortions would not face prosecution under Rapert's bill, but doctors who perform abortions in violation of the 12-week ban could have their medical licenses revoked.

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