

Appeals Court Strikes Down Arizona Ban on Abortions at 20 Weeks

A federal appeals court struck down an Arizona law on Tuesday that bans abortions from 20 weeks gestation, saying it violated “unalterably clear” U.S. Supreme Court rulings that women have a right to terminate pregnancies until a fetus is viable.

The decision by a three-member panel of the 9th U.S. Circuit Court of appeals in San Francisco, which overturned the ruling of a federal district court judge, was hailed by abortion rights groups as a “huge victory” in a state they say has taken one of the nation’s toughest stances on the issue.

“Last year, Arizona led the nation in the number of legislative attacks against women’s health care,” Nancy Northrup, president of the Center for Reproductive Rights, said in a statement.

“With today’s defeat in federal court, we call on the governor and legislature to stop wasting Arizona taxpayers’ time and money on these cruel and extremely harmful efforts to chip away at women’s constitutionally protected rights,” she said.

A spokesman for Arizona Governor Jan Brewer, a Republican who signed the abortion ban into law in April 2012, said Brewer was disappointed in the ruling.

“As a strong defender of life and the unborn, Governor Brewer stands behind the action she took by signing this legislation into law,” Matthew Benson, Brewer’s director of communications, said. “She is not a party to this case, but would be supportive of any efforts to appeal today’s misguided ruling.”

Cathi Herrod, president of the anti-abortion Center for Arizona Policy said the appellate court had “put a pro-abortion ideology before the health and safety of women and preborn children.”

“Ultimately, as we’ve anticipated from the beginning, this case should be decided by the United States Supreme Court. Sadly, until that time, women and preborn children will suffer the consequences of this disappointing decision,” she said.

Arizona Not Alone in Restricting Abortions

The U.S. Supreme Court legalized abortion nationwide in 1973, but lawmakers in more conservative states have enacted laws that seek to place restrictions on the procedure in recent years, especially on late-term abortions.

The Arizona law prohibits physicians from carrying out abortions starting at 20 weeks of pregnancy, except in medical emergencies, and could send doctors who perform them to jail. Late-term abortions remain relatively rare.

Abortion rights groups had said that the Arizona measure was more extreme than similar laws in other states because the way Arizona measures gestation means it would bar abortions two weeks earlier than in other states.

Those states also set the limit at 20 weeks but have different ways to calculate gestation time. Arizona already bans abortions at the point of viability, when a fetus might survive outside the womb, generally at 23 to 24 weeks.

Three abortion providers challenged the law in court. Last August, the 9th Circuit blocked the law from going into effect, pending a ruling on the appeal.

Several states have recently enacted restrictive bans on abortion, led by a bill in North Dakota that bans abortion once a fetal heartbeat can be detected, as early as six weeks.

The state's governor, Jack Dalrymple, said when he signed the bill into law in March that it remained in question whether it would survive a court challenge.

Last week, a federal judge temporarily halted a new Arkansas law that bans most abortions after the 12th week of pregnancy.

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