

Judge Blocks Key Element of Texas Law Restricting Abortion

A federal judge on Monday blocked the provision of a sweeping new Texas **abortion law** that requires doctors performing the procedure to have an agreement with a local hospital to admit patients, handing a partial victory to supporters of the right to abortion.

The Texas law was the most fiercely debated proposal to restrict such procedures in the United States this year. Passed in July, the law sparked an unsuccessful filibuster by Democratic state Sen. **Wendy Davis**, which propelled her into the national spotlight and encouraged her to announce a run for governor.

The Texas law is the most sweeping of a host of measures passed in recent years, which seek to put tight restrictions on abortion in Republican-led states even though the national right to abortion was granted in a 1973 U.S. Supreme Court decision.

“The act’s admitting-privileges provision is without a rational basis and places a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus,” U.S. District Judge Lee Yeakel wrote in his opinion.

The provision that a doctor have an agreement with a hospital within 30 miles of the clinic, was one of several set to go into effect on Tuesday. **Planned Parenthood** and other abortion providers filed the lawsuit, saying the new law would make it harder for Texas women to get abortions.

Yeakel gave a more nuanced opinion on a second provision of the new law which tightens rules for administering the so-

called **abortion pill**. He said the requirement that abortion providers follow stricter federal guidelines in administering the abortion drug RU-486 could go ahead, except when a physician determines there is a medical emergency to preserve the life and health of the mother.

A ban on abortions in Texas after 20 weeks gestation will go into effect on Tuesday as it was not challenged by the lawsuit. A requirement that facilities where abortions are performed meet the standards of hospital emergency centers is set to take effect next year.

Texas Gov. **Rick Perry**, a champion of the new law who called a special session of the legislature to overcome Davis' filibuster, criticized the court ruling and said the state would continue to fight to implement the law.

"Today's decision will not stop our ongoing efforts to protect life and ensure the women of our state aren't exposed to any more of the abortion-mill horror stories that have made headlines recently," Perry, a Republican, said in a statement.

Planned Parenthood praised the decision, saying it would allow more than a dozen clinics in Texas to continue operating. Few clinics had been successful in obtaining agreements with hospitals for their physicians, the group said.

"Today's ruling marks an important victory for Texas women and sends a clear message to lawmakers: It is unconstitutional for politicians to pass laws that take personal, private decisions away from women and their doctors," said Cecile Richards, president of Planned Parenthood Federation of America.

The court ruling on Monday is expected to be appealed to the U.S. Fifth Circuit Court of Appeals, which has shown in the past that it is willing to reverse lower court decisions on abortion.

In 2012, another federal judge in Austin struck down the

state's law requiring women to get a transvaginal ultrasound before abortions. The appeals court reversed that decision and the ultrasound law has gone into effect.

Nine states, including Texas, passed laws requiring doctors to have admitting privileges, but they are in effect only in Kansas, Tennessee and Utah, said Elizabeth Nash, state issues manager for the Guttmacher Institute, a research organization which supports the right to abortion.

Laws were blocked by courts in four other states and has not yet taken effect in Arizona, Nash said.

Some 18 states, including Texas, have enacted laws restricting **drug-induced abortions** or holding them to the stricter federal guideline, Nash said. Such laws have gone into effect in 14 states, but have been blocked by legal action in North Dakota, Wisconsin, and Oklahoma, and are being challenged in Iowa, she said.

The lawsuit is *Planned Parenthood of Greater Texas Health Services v. Abbott*, 13-862, U.S. District Court, Western District of Texas.

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