



Ayotte v. Planned Parenthood of Northern New England, 546 U.S. 320 (2006)

Topics Covered: Abortion Notification, Abortions

Outcome: Somewhat Unfavorable

Issue

The issue in this case was whether the New Hampshire Parental Notification Prior to Abortion Act violated the Federal Constitution, because the statute required notification even in emergency situations that could endanger the minor's health.

AMA Interest

The AMA supports physicians' right to practice ethical medicine, under which they should exercise their best medical judgment solely on behalf of their patients and without concern that such exercise will run afoul of non-medical, legal restrictions. The AMA opposes the imposition of criminal penalties against physicians on account of their good faith medical decisions.

Case Summary

The New Hampshire Parental Notification Prior to Abortion Act required that, except in special situations, a physician who is to perform an abortion on a minor ensure that the minor's parents have received at least 48 hours notice of the intent to perform the abortion. The sanctions for violation of the law included civil liability and criminal penalties. The law allowed physicians to avoid the notice requirement if necessary to prevent the minor's death, but notice had to be provided even if so doing could result in medical complications and suffering short of death. Both the federal district court and the court of appeals had held the statute unconstitutional.

By unanimous decision, the Supreme Court reversed the lower courts and remanded the case. The Supreme Court held that the New Hampshire statute was defective, in that it did not include a "health exception" to the obligation to notify parents. However, the lower courts were ordered to reexamine the law to see if they could devise a remedy to save the valid portions of the statute and still make it conform to Supreme Court precedents, rather than voiding it completely.

Litigation Center Involvement

The Litigation Center filed an amicus curiae brief to oppose the parental notification law. The brief highlighted the medical and practical difficulties that the New Hampshire law could cause physicians and their patients. It also made clear that the AMA neither supports nor opposes its members' performing abortions, as that is a matter of individual conscience.

United States Supreme Court brief