



Planned Parenthood of Arizona v. Brnovich (D. Ariz.)

Topics Covered: Abortions, Regulatory burdens

Outcome: Favorable

Issue

The issue in this case was whether an Arizona statute requiring physicians to tell their patients that it may be possible to reverse chemically induced abortions through administration of high doses of progesterone is constitutional.

AMA Interest

The AMA opposes undue government interference in the practice of medicine.

Case Summary

An Arizona law required physicians who provide abortions to tell their patients that it may be possible to reverse the effects of a chemically induced abortion through high doses of progesterone.

Planned Parenthood of Arizona and three physicians sued to enjoin the Arizona law as a violation of physicians' right to free speech and of patients' right to have an abortion without undue burdens imposed by the state. The lawsuit asserted, among other things: 1) the progesterone regimen would go against the accepted approach for testing the safety and efficacy of potential new medical treatments; 2) the isolated, anecdotal claims on which the law is based do not provide an acceptable basis for physicians to inform their patients that abortion reversal may be "possible;" 3) it is dangerous for state legislatures to be endorsing, and forcing physician endorsement of, untested medical treatments; and 4) more generally, legislatures should not be intruding in this way on the medical informed consent process and the physician-patient relationship for ideological purposes.

While the case was pending, Arizona repealed the statute at issue. Accordingly, the case was dismissed pursuant to the parties' agreement.

AMA Involvement

On July 1, 2015, the AMA, the American College of Obstetricians and Gynecologists, and the Arizona Medical Association filed an amicus brief to support the motion for preliminary injunction. The brief argued that the new law a) deprives patients of evidence-based medical information, b) damages the patient-physician relationship by undermining informed consent, c) interferes with physicians' ethical obligations to further the best medical interests of their

patients – rather than to further a political objective, and d) encourages improper experimentation on patients.

United States District Court District of Arizona amicus brief