



# Planned Parenthood of Greater Texas Surgical Health Services v. Abbott,

Topics Covered: Abortions, Access to Medical Facilities

**Outcome: Very Unfavorable**

## Issue

The issue in this case was whether a Texas law imposed an undue burden on the right to abortion because it (1) required physicians who perform abortions to have medical staff privileges at a hospital within 30 miles of where the abortions are performed and (2) limited drug-induced abortions to the protocol approved by the Food and Drug Administration.

## AMA Interest

The AMA supports (1) the right of access to medical care and (2) 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.

## Case Summary

Texas passed a law which required physicians who perform abortions to have medical staff privileges at a hospital within 30 miles of where the abortions are performed. In addition, the law limited drug-induced abortions to the protocol approved by the Food and Drug Administration for the abortifacient drug mifepristone.

The trial court held that the law was facially unconstitutional, because it unduly burdened the right to an abortion. It found it was unnecessary for maternal health to require medical staff privileges as a condition of performing abortions, and doing so would make it substantially more difficult for many women to obtain an abortion. It further found that the FDA protocol for mifepristone was in contravention of established medical practice and that following the protocol could endanger women's health. Thus, it enjoined enforcement of the law.

The Fifth Circuit found that the law had a rational purpose to protect women's health. Furthermore, whatever burden the law imposed on the right to abortion was, for all but a small number of women, minimal. The court found the law facially constitutional except for a minor issue regarding the time it could become effective. It reversed the lower court injunction and the declaratory judgment.

## Litigation Center Involvement

The AMA joined with the American College of Obstetricians and Gynecologists in an *amicus* brief supporting the lower court decision and opposing the Texas law.

United States Court of Appeals for the Fifth Circuit brief