



Planned Parenthood of Wisconsin v. Schimel, 806 F.3d 908 (7th Cir. 2015)

Topics Covered: Abortions, Access to Medical Facilities

Outcome: Very Favorable

Issue

The issue in this case was whether a Wisconsin statute that requires physicians who perform abortions to have admitting privileges in a hospital within 30 miles of where the abortion is performed is valid under the federal constitution.

AMA Interest

The AMA opposes government regulations that burden the provision of health care but do not lead to an improvement in such care.

Case Summary

Wis. Stat. § 253.095, entitled “Requirements to perform abortions,” states:

“(2) Admitting privileges required. No physician may perform an abortion ... unless he or she has admitting privileges in a hospital within 30 miles of the location where the abortion is to be performed.”

Two Wisconsin abortion facilities and two physicians who provide abortions at those facilities sued the Wisconsin Attorney General and various other Wisconsin public officials, including each member of the Wisconsin Medical Examining Board. They claimed that the quoted portion of Wis. Stat. § 253.095 interfered with a woman’s right to an abortion, without a countervailing medical justification, and was therefore unconstitutional and in violation of their federal civil rights.

Following a full trial, the trial court found no medical justification for Wis. Stat. § 253.095. It also found that compliance with the law would require closing or limiting access to abortion facilities. The court declared Wis. Stat. § 253.095 in violation of the Fourteenth Amendment Equal Protection and Due Process Clauses and permanently enjoined its enforcement. It also awarded the plaintiffs their attorneys’ fees under 42 U.S.C. § 1988 (part of the Federal Civil Rights Laws). The defendants again appealed to the Seventh Circuit.

On November 23, 2015, the Seventh Circuit affirmed in a split decision. Both the majority opinion and the dissent cited (and commented on) the Litigation Center/ACOG brief.

Litigation Center Involvement

The Litigation Center, along with the American College of Obstetricians and Gynecologists and the Wisconsin Medical Society, filed an amicus brief to argue against the validity of Wis. Stat. § 253.095.

United States Court of Appeal for the Seventh Circuit brief