



# Whole Woman’s Health v. Hellerstedt (5th Cir.)

Topics Covered: Abortion Rights

## Issue

The issue in this case is whether a Texas health regulation, which mandates that aborted embryonic and fetal tissue be disposed of through interment or by cremation or steam disinfection followed by interment, unconstitutionally burdens a woman’s right to have an abortion.

## AMA Interest

The AMA opposes laws regulating medical care that are unsupported by scientific evidence and that impede, rather than serve, public health objectives.

## Case Summary

A Texas health regulation, T.A.C. Title 25, §§ 1.132-1.137, mandates that aborted embryonic and fetal tissue be disposed of through interment or by cremation or steam disinfection followed by interment, notwithstanding that all other human tissue removed during surgery, autopsy, or biopsy can be disposed of through more convenient and less expensive methods. The trial court held the regulation constitutionally defective as an undue burden on the right to an abortion.

The Texas Health Commissioner appealed the ruling to the United States Court of Appeals for the Fifth Circuit.

## AMA Involvement

The AMA, along with two specialty medical societies, filed an *amicus* brief to argue that the regulation is unconstitutional.

United States Court of Appeals for the Fifth Circuit brief