

Federal court strikes down Wisconsin abortion law as unconstitutional

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(*The Christian Science Monitor*) A U.S. appeals court has ruled that a Wisconsin law related to abortion providers is unconstitutional. The law in question requires doctors who provide abortions to have admitting privileges at a hospital within 30 miles of where they carry out the procedure.

Two abortion providers, Planned Parenthood and Affiliated Medical Services, sued the state, arguing that the law effectively restricted access to abortions in Wisconsin.

A panel of the 7th Circuit Court of Appeals in Chicago in a two-to-one ruling concluded Monday the medical benefit to the requirement was “nonexistent” and “cannot be taken seriously as a measure to improve women’s health.”

Supporters of the law argued that requiring doctors performing procedures to have local admitting privileges would ensure that patients receive continuous care should complications arise that warrant hospitalization.

The plaintiffs said that the new law would effectively shutter AMS's clinic in Milwaukee. Planned Parenthood clinics picking up the additional caseload would likely see increases in wait times, making it more difficult to women to schedule procedures, according to the lawsuit.

In March 2015, U.S. District Judge William Conley had said that the law served no legitimate health interest. The Wisconsin Department of Justice subsequently appealed to the Seventh Circuit.

“What makes no sense is to abridge the constitutional right to an abortion on the basis of spurious contentions regarding women’s health—and the abridgment challenged in this case would actually endanger women’s health,” Judge Richard Posner wrote for the majority.

Dissenting was Judge Daniel Manion, who said admitting privileges requirement helps protect women's health and doesn't amount to an undue constitutional burden.

"The solution to the plaintiffs' problems is that they find more qualified doctors, not that the state relax—or that we strike down as unconstitutional—precautions taken by the state to protect the health and safety of pregnant women who have chosen to end their pregnancies," Judge Manion wrote.

Planned Parenthood of Wisconsin issued a statement praising the Seventh Circuit decision. The group's CEO, Teri Huyck, said the law was intended "to put obstacles in the path of women seeking safe, legal abortion care in Wisconsin."

According to the Guttmacher Institute, which supports legal access to abortion, 11 states have imposed similar admitting privilege requirements on abortion providers. Of those 11 states, courts have temporarily blocked the requirements in six states.

The U.S. Supreme Court is set to hear a similar case in Texas, an oral argument will likely be heard early next year with a decision issued by late June.

This report contains material from the Associated Press and Reuters.