

Whole Woman's Health v. Hellerstedt Background

On June 27, 2016, the U.S. Supreme Court issued a historic decision striking down a Texas admitting privileges law designed to close most of the state's abortion clinics with medically unnecessary restrictions. The decision in *Whole Woman's Health v. Hellerstedt* reaffirmed the constitutional right to access legal abortion and was the most significant abortion-related ruling from the Court in more than two decades.

Case Summary

In 2013, Texas legislators passed HB2, a sweeping measure that imposed numerous restrictions on access to abortion, most notably the following requirements:

- doctors who provide abortion services must obtain admitting privileges at local hospitals no farther than 30 miles away from the clinic, and
- every health care facility offering abortion care must meet building specifications to essentially become mini-hospitals (also known as ambulatory surgical centers, or ASCs).

These requirements unfairly singled out abortion care providers and did not apply to other, comparable medical procedures or practices. They served only to drive reputable, experienced reproductive health care providers out of practice. Together, these requirements would have shuttered all but 9 or 10 abortion clinics in a state with 5.4 million women of reproductive age and left more than 500 miles between San Antonio and the New Mexico border without a single clinic.

Prior to HB2, there were more than 40 facilities across the state that provided abortions. As of October 2015, that number had dwindled to 19. This deceptive law created higher costs, lengthier delays, and extra steps for people seeking abortion care. In the process, HB2 punished people for their decision to exercise their constitutional right to end a pregnancy.

It's clear the politicians behind this measure were lying about their true intentions. A few months ahead of signing HB2 into law, Texas governor Rick Perry declared at an anti-abortion rally, "an ideal world is one without abortion. Until then, we will continue to pass laws to ensure that they are rare as possible." In July 2015, Texas state representative and HB2 author Jodie Laubenberg stated, "I am so proud that Texas always takes the lead in trying to turn back what started with *Roe v. Wade*."

Case History

The Center for Reproductive Rights filed a lawsuit on April 2, 2014, on behalf of five Texas clinics and three physicians and their patients, challenging the ambulatory surgical center (ASC) and admitting privileges requirements. The abortion providers represented by the Center challenged these laws because the regulatory burdens they imposed, in violation of the 14th Amendment to the U.S. Constitution.

The admitting privileges requirement was in effect between October 31, 2013, and August 29, 2014, before the federal district court blocked enforcement of both restrictions on August 29, 2014, finding that they, independently and collectively, imposed an unconstitutional undue burden on access to abortion in violation of the 14th Amendment to the U.S. Constitution.

On October 2, 2014, the U.S. Court of Appeals for the Fifth Circuit issued a ruling that would allow both laws to be enforced while the case moved forward, but on October 14, 2014, the U.S. Supreme Court prohibited the enforcement of the ASC requirement statewide and prohibited enforcement of the admitting privileges requirement against the plaintiffs' clinics in McAllen and El Paso.

On June 9, 2015, the Fifth Circuit ruled in favor of the challenged requirements in large part. Its opinion (as modified on June 19) authorized Texas to enforce the challenged requirements against all Texas abortion facilities except the McAllen clinic operated by plaintiff Whole Woman's Health, which was subjected to other restrictions.

On June 29, 2015, the U.S. Supreme Court again stopped enforcement of the law while the Center prepared a request for the Supreme Court to review the case. On September 2, 2015, we filed a petition for the Supreme Court to review the case.

Plaintiffs

- Whole Woman's Health, Austin Women's Health Center, Killeen Women's Health Center, Nova Health Systems d/b/a Reproductive Services, Sherwood C. Lynn, M.D., Pamela J. Richter, D.O., and Lendol L. Davis, M.D., each on behalf of themselves and their patients