



Whole Woman’s Health v. Hellerstedt, 136 S. Ct. 22921 (2016)

Topics Covered: Abortion, Access to Medical Facilities

Outcome: Very Favorable

Issue

The issue in this case was whether a Texas law, which required that physicians who perform abortions obtain admitting privileges at local hospitals and that every health care facility offering abortion services meet the same building specifications as ambulatory surgical centers (“ASCs”), is constitutional.

AMA Interest

The AMA opposes laws regulating medical care that are unsupported by scientific evidence and that impede, rather than serve, public health objectives. Further, the AMA believes physicians should provide medical care according to their best medical judgment, according to accepted medical standards and their patients’ informed consent.

Case Summary

Five Texas clinics, three physicians, and their patients challenged the ASC requirement statewide and the admitting privileges requirement as applied to abortion clinics in two rural areas of the state, where women face the greatest obstacles in accessing abortion care. The trial court held the law constitutionally invalid as an unreasonable restraint on women’s right to have an abortion, and it enjoined enforcement of the Texas law.

On June 9, 2015, the Fifth Circuit ruled that the Texas law for the most part did not unreasonably interfere with the right to an abortion and was therefore constitutional. In certain, relatively minor aspects, the Fifth Circuit reversed the trial court injunction against the law. The case was then appealed to the Supreme Court.

On June 27, 2016, in a 5 to 3 decision, the Supreme Court ruled in favor of Whole Woman’s Health. The court cited the AMA/ACOG brief several times in its decision.

AMA Involvement

The AMA and the American Congress of Obstetricians and Gynecologists filed an *amicus* brief in the Fifth Circuit to support the plaintiffs and oppose the Texas legislation. The AMA and ACOG along with several other national specialty medical societies filed an *amicus* brief in the Supreme Court in support of the petition for *certiorari*. They also filed an *amicus* brief in the Supreme Court regarding the merits of the case.

United States Supreme Court merits brief

United States Supreme Court brief in support of petition for *certiorari*

United States Court of Appeals for the Fifth Circuit brief