



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

Topics Covered:      Abortion, Access to Medical Facilities

## Issue

The issue in this case is whether Texas Health and Safety Code § 171.152, which, with narrow exceptions, criminalizes the dilation and evacuation (D&E) abortion procedure, 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. Further, the AMA believes physicians should provide medical care, including abortion procedures, according to their best medical judgment and according to accepted medical standards.

## Case Summary

Section 171.152 makes it illegal for a physician to perform a D&E abortion, except under narrow circumstances. D&E abortions are by far the most common form of abortions in the second trimester. The trial court found that any other method of abortion after the first trimester is medically inferior, and the law was unconstitutional.

The Texas Attorney General, the first named defendant, appealed the trial court ruling to the United States Court of Appeals for the Fifth Circuit.

## AMA Involvement

The AMA, along with ACOG, filed an amicus brief in the Fifth Circuit to argue that § 171.152 is medically unsupportable and therefore unconstitutionally burdens the right to an abortion.

United States Court of Appeals for the Fifth Circuit brief