



# June Medical Services v. Russo, 140 S. Ct. 2103 (2020)

Topics Covered: Reproductive Health & Abortion

## **Outcome: Favorable**

### **Issue**

The issues in this case were: (a) whether a Louisiana law, which requires that physicians who perform abortions must have admitting privileges at nearby hospitals, is valid, and (b) whether abortion providers have third-party standing to challenge health and safety regulations on behalf of their patients.

### **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 have the right to provide medical care, including abortion procedures, according to their best medical judgment and according to accepted medical standards. Finally, the AMA believes that physicians' paramount responsibilities are to their patients.

### **Case Summary**

A Louisiana statute requires that physicians who provide abortions must have admitting privileges in a hospital within 30 miles of the facility where the abortion is to be provided.

A Louisiana abortion clinic sued the Louisiana Department of Health, claiming that the law imposes an unnecessary barrier to the provision of abortions, thereby imposing an unreasonable obstacle on women's constitutional right to obtain an abortion. The trial court held that the statute was, indeed, unconstitutional. The Department of Health appealed, and the Fifth Circuit, by a split decision, held the law constitutional and reversed.

The abortion clinic appealed to the Supreme Court. In addition to the question of the legality of the Louisiana law, the Supreme Court added a question about the right of abortion providers to challenge health and safety regulations on behalf of their patients – an issue not raised in the lower courts.

By a split decision, the Supreme Court held that the abortion providers had legal standing to challenge the Louisiana law and that the law was unconstitutional. It reversed the Fifth Circuit and ordered the trial court judgment reinstated.

## **AMA Involvement**

The AMA, along with ACOG, filed an *amicus* brief in the Supreme Court to support the abortion clinic. The brief indicated that a categorical requirement for hospital admitting privileges for abortion providers was medically unwarranted. The brief also argued that physicians should have the right to advocate for their patients on issues involving access to medical care.

United States Supreme Court Brief