



# South Wind Women’s Center v. Stitt, 808 Fed. Appx. 677 (10th Cir. 2020)

Topics Covered: Reproductive Health & Abortion, COVID-19

## **Outcome: Favorable**

### **Issue**

The issue in this case was to what extent state officials can limit access to abortion services during the COVID-19 pandemic.

### **AMA Interest**

The AMA believes that medical decisions should be made between a physician and a patient.

### **Case Summary**

In March 2020, the Governor of Oklahoma issued an executive order barring all elective surgeries, which he interpreted to include a ban on all non-emergency abortions. Physicians and other medical professionals who violate the order could be criminally prosecuted and could lose their medical licenses.

A group of abortion service providers sued to challenge the ban. The federal district court in Oklahoma issued a temporary restraining order limiting the ban in large part, and the Oklahoma state officials sought review by the Tenth Circuit Court of Appeals.

On April 13, 2020, the Tenth Circuit Court of Appeals ruled that it did not have jurisdiction to review the injunction at that time, thus allowing it to stand. The district court’s injunction remained in place and abortion services were able to continue in Oklahoma.

### **AMA Involvement**

The AMA joined several other medical organizations as *amici* in filing a brief to support the plaintiffs in the Tenth Circuit Court of Appeals. The brief discussed the safety of abortion services and the lack of medical justification for the ban.

Tenth Circuit Court of Appeals Brief