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Court ruling restricts access to abortion in Missouri

Patients across Missouri will have to travel hundreds of miles for health care

ST. LOUIS – A new ruling from the Eighth Circuit Court of Appeals threatens to shut down abortion services at one of two remaining health centers in Missouri that can provide it. The ruling, ignoring Supreme Court precedent, reversed a preliminary injunction that blocked ambulatory surgical center and admitting privilege requirements virtually identical to those held unconstitutional by the U.S. Supreme Court in *Whole Woman's Health v. Hellerstedt* two years prior.

Today's decision could impact services within weeks, forcing Planned Parenthood to suspend abortion services in Columbia and limiting access for patients seeking abortion to a single Missouri provider in St. Louis, as well as threatening efforts to restart services in Kansas City. The ruling will also risk further delaying plans to expand access to Springfield and Joplin. For now, safe, legal abortion remains available in Columbia, and Planned Parenthood affiliates in Missouri are exploring immediate next steps to protect access.

In 2016, the U.S. Supreme Court ruled that admitting privileges and ambulatory surgical center requirements provided no medical benefit and created an undue burden for women. Planned Parenthood challenged similar requirements in Missouri after the Supreme Court's decision. Those requirements were halted in April 2017 – until today.

"The Supreme Court's logic in *Whole Woman's Health* applies to Missouri's ideological restrictions, as well. These requirements do nothing to help Missouri women – and, in fact, actually hurt them," said Dr. Brandon J. Hill, President and CEO of Comprehensive Health of Planned Parenthood Great Plains. "If these laws are allowed to take effect, women will now have to travel farther, wait longer, and use more of their own resources to access the health care they need most – if they can get care at all."

"Missouri women continue to bear the burden of misguided government leaders, who substitute their own opinion for medical evidence," said Mary Kogut, President and CEO of Reproductive Health Services of Planned Parenthood of the St. Louis Region. "The Eighth Circuit's ruling undermines decades of case law, including crystal clear Supreme Court

precedent. We will continue to challenge these restrictions and fight for our patients' right to access the full range of sexual and reproductive health care, including safe, legal abortion."

Background

In 2016, the U.S. Supreme Court ruled in *Whole Woman's Health v. Hellerstedt* that admitting privileges and ambulatory surgical center requirements in Texas were unconstitutional, finding that the laws provided no medical benefit and greatly burdened women.

Leading medical experts like the American College of Obstetricians and Gynecologists (ACOG) and the American Medical Association (AMA) oppose medically unnecessary restrictions like these because they bar access to safe medical care. According to the Centers for Disease Control (CDC), abortion has a more than 99% safety record. In those rare cases when complications do occur, they are similar to those that may occur from miscarriage, which ob-gyns and other physicians treat every day. Planned Parenthood works every day to make sure women receive high-quality health care in a safe, respectful environment. We have rigorous standards and training for staff as well as emergency plans in place because women's safety is our first priority.

People in Missouri still face extreme hardships to access abortion. The two health centers that currently provide abortions are located in St. Louis and Columbia, 125 miles apart. The western part of the state has no health center providing abortions.

The Kansas City health center recently lost its abortion facility license when state officials allowed the license to expire. Although Planned Parenthood had arranged for a new provider and continued to push for its license, today's ruling threatens to halt any progress, as the new provider does not currently have local admitting privileges. Planned expansion of services to Springfield and Joplin had initially been delayed by Missouri passing further restrictions in 2017, and could be further delayed by this ruling.

If these requirements are allowed to take effect, women in areas like Springfield and Unionville will face a more than 400-mile round trip to St. Louis. This is on top of a 72-hour mandatory waiting period and two-trip process. Planned Parenthood is doing everything in its power to expand access to care for people in the state.

Timeline

- In 2016, the Supreme Court of the United States ruled medically unnecessary abortion restrictions in Texas requiring local hospital admitting privilege and that abortions be provided in ambulatory surgical centers (ASC) are unconstitutional.
- Similar restrictions were being enforced in the state of Missouri and created an undue burden for Missourians trying to access safe, legal abortion.
- Comprehensive Health of Planned Parenthood Great Plains and Reproductive Health Services of Planned Parenthood of St. Louis Region (RHS) filed a lawsuit in federal district court challenging these two restrictions in November 2016.

- In April 2017, a federal district judge issued a preliminary injunction blocking Missouri's admitting privileges and ASC requirements, stating these medically unnecessary restrictions pose imminent harm toward Missouri women who need access to safe, legal abortion services.
- The state of Missouri sought an emergency stay of the preliminary injunction, but this stay was denied.
- The state of Missouri sought review en banc of the panel's decision not to issue the stay. The Eighth Circuit granted that motion.
- On September 15, 2017 the Eighth Circuit Court of Appeals issued a stay, suspending the preliminary injunction issued by the federal district court.
- Planned Parenthood asked the Supreme Court to vacate the Eighth Circuit's stay, allowing the federal district court's preliminary injunction to remain in place while the case proceeds on appeal before the Circuit Court. The Eighth Circuit filed a response explaining its stay was temporary while it considered the state's pending stay motion.
- On October 2, 2017 the Eighth Circuit Court of Appeals denied the state's pending stay motion allowing the preliminary injunction to remain in place while the Circuit Court considered the appeal.
- Today, a three-judge panel of the Eighth Circuit Court of Appeals reversed a preliminary injunction that had allowed Planned Parenthood to provide abortion services while fighting against the medically unnecessary restrictions.
- The preliminary injunction will remain in effect while Planned Parenthood considers whether to seek review of the panel's decision from the en banc court.

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