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Texas abortion law stays in place; ban on late-term abortions rejected

by Catholic News Service

Washington — In a 5-4 vote, the U.S. Supreme Court ruled Tuesday to allow Texas to continue enforcing abortion restrictions.

The justices ruled to leave in place a provision requiring doctors who perform abortions in clinics to have admitting privileges at a nearby hospital.

The case is on appeal to the 5th U.S. Circuit Court of Appeals in New Orleans, and the court will hear arguments in a challenge brought by Planned Parenthood in January. The law will remain in effect until then.

In the neighboring state of New Mexico, voters in Albuquerque on Tuesday rejected a municipal ballot measure that would have banned late-term abortions. Fifty-five percent of voters rejected the ban and 45 percent favored it. The proposal would have banned abortions after 20 weeks except to save the mother's life.

A major focus of the debate concerned whether or not a fetus can feel pain.

The proposal vote took place in Albuquerque because it has one of a few clinics in the country where late-term abortions are performed.

In Texas, the state Legislature in July approved the requirement that abortion doctors have hospital admitting privileges.

In late October, days before the provision was to take effect, a trial judge blocked it, saying the stipulation

could be considered unconstitutional because in the judge's view it created a "substantial obstacle" for a woman seeking an abortion.

A three-judge appellate panel overruled the judge stating that the law was in line with U.S. Supreme Court rulings that have allowed abortion restrictions if they did not impose an "undue burden" on the woman's chance to obtain an abortion.

Opponents of the provision say it has caused 12 state abortion clinics to close since October.

The Texas bishops, in a statement released by the Texas Catholic Conference, stressed their support of the requirement placed on abortion providers.

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"While the Texas Catholic Conference opposes abortion, it equally values protecting and preserving the health of women, whose lives and dignity are just as precious as those destroyed by the act of abortion. Short of closing these abortion facilities, abortionists must meet the most rigorous, mandatory standards of medical inspections and regulation," it said.

According to The Associated Press, Tennessee and Utah also enforce laws on hospital admitting privileges for abortion doctors. Similar laws are under temporary court injunctions in Alabama, Kansas, Mississippi, North Dakota and Wisconsin.

Prior to the vote in Albuquerque, Archbishop Michael Sheehan of Santa Fe, N.M., wrote an op-ed piece published Nov. 10 in the *Albuquerque Journal* urging people to vote in favor of the ban.

Even if the proposal failed, he said, the efforts to promote it have educated the public "to the reality of what is happening in our state."

"I daily meet people who are shocked to know that New Mexico permits late-term abortions," he said, adding, that the state "now attracts those seeking late-term abortions from around the country because of the lack of laws."

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