

Texas Court Upholds Ban On Common Abortion Methods



Dilation and evacuation are forbidden by the federal appeals court
Legal options are being examined by reproductive rights activists

The appeals court in New Orleans upheld a Texas law that outlaws a method commonly used to terminate second-trimester pregnancies.

Laws enacted in 2017 have never been enforced. This bill prohibits the use of forceps to remove a fetus from the womb without using a drug injection beforehand or a suction procedure to ensure the fetus is dead.

Advocates for abortion rights claim that the law referred to as SB8 in court records, outlaws the safest method of abortion during the second trimester of pregnancy - a procedure called dilation and evacuation.

Furthermore, they claimed that fetuses cannot feel pain during the gestation period affected by the law and that one alternative offered by the state, the use of suction to remove a fetus, also results in dismemberment.

Last year, a trio of judges from the fifth US circuit court of appeals blocked enforcement of the law. However, Texas sought a rehearing before the entire court, and it was granted.

Among the 14 appellate judges who heard arguments in January, the majority sided with Texas. The opinion, by judges Jennifer Walker Elrod and Don Willett, said: "The record shows that doctors can safely perform D&Es and comply with SB8 using methods that are already in widespread use."

Judge James Dennis wrote a dissent, which said the Texas law "under the guise of regulation, makes it a felony to perform the most common and safe abortion procedure employed during the second trimester".

President and CEO of the Center for Reproductive Rights, Nancy Northup, said that the organization analyzed the decision and considered its legal options.

Texans have been hellbent on legislating abortion into oblivion, and a court has upheld a law that violates decades of supreme court precedent, Northup said.

"Texas should not be reducing access to abortions when the healthcare needs of Texans are greater than ever. This decision will harm those whose healthcare is already the most difficult.

Texas Right to Life praised the ruling.

"If the abortion industry appeals today's decision, the Supreme Court will have to address the case's key legal issue: Is dismemberment an abortion that is inhumane enough to be banned?" the anti-abortion group said in a statement.