

Tennessee abortion clinics hope to defeat waiting period

23 September 2019, by Travis Loller

The former medical director of Planned Parenthood of Tennessee and North Mississippi testified on Monday that Tennessee's 48-hour waiting period for abortions actually delays the procedure by up to a month.

Dr. Sarah Wallet was testifying in the federal trial challenging Tennessee's 2015 law. Tennessee is one of 14 states with laws requiring women to make two trips to an abortion clinic, first for mandatory counseling and then for the abortion, according to the Guttmacher Institute, a research group that supports abortion rights.

Alex Rieger of the state attorney general's office said in opening statements that Tennessee's law is similar to laws in other states that have been upheld by the courts. He said the waiting period "offers women a chance to make a different choice."

Wallett testified that the two-visit requirement poses logistical challenges for both patients and clinics, delaying abortions far beyond 48 hours. Medical abortions, which only require taking pills are not available later in pregnancy, so the law forces some women to have surgical abortions, she said.

Rieger argued that Planned Parenthood's data show that more than 2,000 women went to the counselling appointment but never returned for an abortion.

Wallet said there are many reasons women may not return including miscarriage. The agency does not follow up with women to ask why they did not return for the second appointment, she said.

Five of the state's seven abortion clinics are suing over the law, claiming it violates the U.S. Constitution by placing an undue burden on the right to abortion.

Proving that the law poses an undue burden on women is highly dependent on the individual circumstances of the state.

In 1992, the U.S. Supreme Court upheld a 24-hour waiting period in Pennsylvania. But in Iowa last year, the state Supreme Court struck down a 72-hour waiting period there as unconstitutional.

Meanwhile in Florida, state attorneys will get a chance to argue in favor of a 24-hour waiting period after a state appeals court decision last month. It overturned a circuit court judge's 2018 decision to throw out the law as unconstitutional without a trial.

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