



Written by [Dave Bohon](#) on October 29, 2013

Federal Judge's Ruling Halts Key Portions of Texas Pro-Life Law

Texas Attorney General Gregg Abbott has announced that his office will appeal a federal judge's ruling that key portions of a pro-life law passed in Texas this summer are unconstitutional. District Judge Lee Yeakel's October 28 ruling blocked a measure requiring abortion doctors to have hospital admitting privileges within 30 miles of an abortion clinic, as well as a provision requiring abortionists to follow FDA protocol for abortion-inducing drugs like RU-486. Key to that provision, noted [LifeNews.com](#), "is the requirement that the abortionist administer chemical abortifacients in person, rather than via videoconferencing where he is never in the same room with the mother."



In a statement to reporters following the ruling Abbott said he had "no doubt that this case is going all the way to the United States Supreme Court."

The law was passed during a [special session of the state legislature](#) in July after an uncontrolled pro-abortion mob, spurred on by the political antics of state Senator Wendy Davis, prevented the measure from being signed into law during the regular legislative session.

In his 26-page decision, Yeakel wrote that the admitting privilege provision of the law "does not bear a rational relationship to the legitimate right of the state in preserving and promoting fetal life or a woman's health and, in any event, places a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus and is thus an undue burden to her."

Proponents of the measure emphasized that it is crucial to providing safeguards against the many abortion clinics that do not meet safety and cleanliness standards. Troy Newman of the pro-life group Operation Rescue said that "women deserve better than to be left to fend for themselves in the event of abortion complications while the abortionist flies off to another state leaving others to clean up his mess."

Newman added that in the absence of an abortion clinic "preying on women while they are vulnerable, women will have the opportunity to seek legitimate medical services and other community resources readily available to them that will not leave them suffering in an ER without proper continuity of care."

In striking down the provision limiting the dispensing of the abortion drugs, Yeakel wrote: "Although the medication-abortion provisions do not generally place an undue burden on a woman seeking an abortion, they do if they ban a medication abortion where a physician determines, in appropriate medical judgment, such a procedure is necessary for the preservation of the life or health of the mother."



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Senator Davis, now running for the governor's office, applauded the judge's ruling, declaring in a statement that "Texas families are stronger and healthier when women across the state have access to quality healthcare. I'm not surprised by the judge's ruling. As a mother, I would rather see our tax dollars spent on improving our kid's schools rather than defending this law."

Similarly, Danielle Well of Planned Parenthood of Greater Texas said the ruling "sends a clear message to lawmakers that politicians have no place in a woman's medical decisions, and it's unconstitutional for them to interfere in those decisions."

By contrasts, pro-life Texas Governor Rick Perry vowed to join the state attorney general in defending the law. "Today's decision will not stop our ongoing efforts to protect life and ensure the women of our state aren't exposed to any more of the abortion-mill horror stories that have made headlines recently," the governor said in a statement. "We will continue fighting to implement the laws passed by the duly-elected officials of our state, laws that reflect the will and values of Texans."

Unaffected by the judge's ruling was the provision of the law that bans abortion in Texas after the 20th week of pregnancy.



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