



Written by [James Murphy](#) on August 23, 2023

Pro-life Abortion Laws Set to Take Effect in Indiana and South Carolina

Indiana's new abortion law, which critics claim is "a near-total abortion ban," is now settled law in the Hoosier State. On Monday, the Indiana Supreme Court voted 4-1 to affirm its previous ruling that the law did not violate the state's constitution.

The law was originally passed by the Legislature and signed by Governor Eric Holcomb in August of 2022. Enforcement of the law has been held up by court proceedings initiated by Planned Parenthood and the ACLU since then.

The law makes abortion illegal except for cases of rape and incest up to ten weeks and in the case of a lethal fetal anomaly, or if the mother's life is at risk up to twenty weeks. The law also limits the practice of abortion to hospitals or surgical centers owned by hospitals, and bans clinics specializing in abortion.

The court ruled that there was no reason to keep the law from being enforced.

"Plaintiffs acknowledge our appellate courts have never granted the relief they seek. There is simply no sound legal basis for an interim injunction that is even broader than the relief Plaintiffs intend to pursue in the trial court," [wrote](#) Chief Justice Loretta Rush. "And for good reason, our system requires Plaintiffs to first seek their proposed, narrower relief in the trial court, which, unlike our Court, can receive and weigh competing evidence, including expert testimony."

Indiana Attorney General Todd Rokita took a victory lap on X.

"My office promised to defend Indiana's pro-life law, and we have done that every step of the way. Today, the Indiana Supreme Court certified its opinion rejecting a constitutional challenge to Indiana's pro-life law, which protects the lives of innocent, unborn babies," Rokita [wrote](#). "This is great news for Hoosier life and liberty. We defeated the pro-death advocates who try to interject their views in a state that clearly voted for life."

For Indiana's ACLU, it was a somber day.

"Today is a dark day in Indiana, as the state Supreme Court has allowed Indiana's near-total abortion ban to take effect immediately," the [ACLU posted on X](#). "We have seen the horrifying impact of bans like this across the country, and this extreme ban will undoubtedly put Hoosiers' lives at risk."

Nevertheless, the ACLU of Indiana vowed to keep fighting for abortion access, writing, "We will continue to fight in the courts and in the Statehouse to restore access to abortion care. Every person



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should have the fundamental freedom to control their own body — and politicians' personal opinions should play no part in this personal decision.”

In related news, another Red State Supreme Court — South Carolina's — is allowing that state's new abortion law, which bans most abortions after six weeks gestation, to take effect.

[Justice John Kittredge wrote](#) that the new law might infringe upon “a woman's right of privacy and bodily autonomy,” but that right is not greater than “the interest of the unborn child to live.”

“As a Court, unless we can say that the balance struck by the Legislature was unreasonable as a matter of law, we must uphold the Act,” Kittredge added.

The South Carolina Supreme Court struck down a similar ban in January. A new law was drafted and signed this year which, apparently, passed constitutional muster in the court's opinion.

The new version of the law bans most abortions once a fetal heartbeat can be detected, defined by “the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac.”

Chief Justice Donald Beatty, the lone dissenter in today's 4-1 decision, argued that the new state law was essentially the same as the old one and that the term “fetal heartbeat” was inaccurate.

“The terminology is medically and scientifically inaccurate. As such, it is the quintessential example of political gaslighting; attempting to manipulate public opinion and control the reproductive health decisions of women by distorting reality,” he wrote.

Despite Beatty's objection, South Carolina's new fetal heartbeat ban on abortion is now law in the Palmetto State.



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