

Federal judge blocks new Florida abortion law

July 1 2016, by Gary Fineout

A federal judge late Thursday put on hold key portions of a new Florida law that would block public funding for Planned Parenthood and greatly increase inspection requirements for abortion clinics.

U.S. District Judge Robert Hinkle issued his ruling just hours before the law passed by the Republican-controlled Florida Legislature was due to take effect.

Planned Parenthood challenged three parts of the law that Gov. Rick Scott signed into law earlier this year, including one that prevents any state or local funds from going to an organization if that organization also provides abortions. Planned Parenthood officials estimated that provision would prevent its clinics from receiving about \$500,000 to pay for health care screenings and a school dropout prevention program.

Hinkle in his ruling said the provision is "based not on any objection to how the funds are being spent ... but solely because the recipients of the funds choose to provide abortions separate and apart from any [public funding](#)."

"The Supreme Court has repeatedly said that a government cannot prohibit indirectly—by withholding otherwise-available public funds—conduct that the government could not constitutionally prohibit directly," Hinkle wrote.

Hinkle also blocked enforcement of another part of the new law that

would have required an annual state inspection of the medical records of half of all clinic patients, which Planned Parenthood estimated would be about 35,000 people a year. Hinkle did leave intact a provision that redefines dates of gestation and pregnancy trimesters, which could affect when abortions can be performed. Hinkle said he did so because state officials insisted the change would not have any impacts, though Planned Parenthood had argued the change was yet another attempt to limit abortions.

Planned Parenthood officials praised Hinkle's ruling.

"With today's ruling Planned Parenthood is more committed than ever to both serving our patients and fighting back against politicians who are bent on attacking access to women's health," said Barbara A. Zdravecky, President/CEO of Planned Parenthood of Southwest and Central Florida.

Jackie Schutz, a spokeswoman for Scott, said the administration was "looking" at Hinkle's ruling.

Similar to a Texas law struck down earlier this week by the U.S. Supreme Court, the Florida law also requires doctors who perform abortions to have privileges at a nearby hospital. But Planned Parenthood attorneys did not challenge that provision, and Hinkle's ruling did not address that part of the law.

Legislators who passed the law earlier this year said they were doing so in order to protect women's health. Attorneys for the state argued before Hinkle that he should let the law stand because there was nothing in it that interferes with Planned Parenthood clinics from performing abortions or burdens "the right of women to undergo abortions."

The court action this week was just a new chapter in a long-running

battle over [abortion](#) in the Sunshine State. Since the GOP assumed control of the Florida Legislature two decades ago, legislators have enacted a series of bills only to see many of them overturned in the courts. The Florida Supreme Court in April suspended a 24-hour waiting period for abortions while it decides whether that law is constitutional.

Hinkle's injunction puts the two portions of the [law](#) on hold until he issues a full ruling on the merits of the lawsuit.

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