

US judge: State abortion ultrasound law illegal

18 January 2014, by Emery P. Dalesio

A North Carolina law requiring women who want an abortion to have an ultrasound and then have a medical provider describe the image to them is a violation of constitutional free-speech rights, a federal judge ruled Friday.

U.S. District Judge Catherine Eagles ruled that [states](#) don't have the power to force a [health care provider](#) to be the bearer of what she called an ideological message in favor of carrying a pregnancy to term.

Eagles, who was nominated to the court by President Barack Obama, had put the [law](#) on hold a few months after the Republican-led state legislature passed it in 2011.

The law required abortion providers to place an [ultrasound image](#) next to a pregnant woman so she can view it, describe its features, and offer the patient the chance to listen to the heartbeat. The law required abortion providers to describe the dimensions of the embryo or fetus and the presence of external members and internal organs if they were present and viewable. The patient was not required to watch the display or listen to the explanation.

"The state has not established that the speech-and-display provision directly advances a substantial state interest in regulating health care, especially when the state does not require the patient to receive the message and the patient takes steps to avoid receipt of the message," Eagles wrote.

North Carolina legislators had argued that offering the ultrasound image to a woman seeking an abortion along with other information would promote childbirth. The law also would protect patients from potential coercion to have an abortion and emotional distress associated with the procedure, advocates said.

A legislator who was a key advocate of the law

said he was confident the state would appeal Eagles' ruling.

"There is nothing in the law requiring the doctor to say anything that is not truthful or that is misleading," said House Majority Leader Paul Stam.

A spokeswoman for state Attorney General Roy Cooper, a Democrat, said only that state attorneys were reviewing the ruling.

"If these unconstitutional measures had gone into effect, doctors would have been prevented from using their best medical judgment to provide patients with care based on their specific individual needs," said Jennifer Rudinger, executive director of the American Civil Liberties Union of North Carolina. "This law represented an egregious government intrusion into individuals' private medical decisions, and we are very pleased that it will not go into effect."

The ACLU, the Center for Reproductive Rights and Planned Parenthood Federation of America challenged the law on behalf of several North Carolina physicians and abortion providers.

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