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ATTORNEY GENERAL MADIGAN DEFENDS WOMEN'S ACCESS TO CONSTITUTIONALLY PROTECTED ABORTION SERVICES
Madigan & 15 Other Attorneys General Argue Texas Law Imposes Unconstitutional Undue Burdens on Women's Rights to Abortion Access

Chicago — Attorney General Lisa Madigan, along with 15 other attorneys general, today filed an amicus brief in the U.S. Court of Appeals for the Fifth Circuit in *Whole Woman's Health v. Paxton*, challenging a Texas state law that would essentially ban the safest and most common method of second-trimester abortion.

Texas's new statute imposes civil and criminal penalties on doctors who perform the standard procedure that is the safest and most common method of abortion after 15 weeks of pregnancy. The law would require doctors to either handle the procedures with unavailable, experimental or ineffective methods, each unnecessarily increasing the medical risks of an otherwise routine procedure.

"Texas is proposing a reckless new law that places an unnecessary burden on women who deserve to make their own decisions about their health care," Madigan said. "I will continue to fight to ensure women are in charge of their health decisions."

After a five-day bench trial, the federal district court concluded Texas's proposed alternate methods for abortion after 15 weeks of pregnancy are experimental and risky, difficult to perform and potentially ineffective. Accordingly, the district court held that the law imposes an undue burden on women's constitutionally protected abortion rights, and issued a permanent injunction preventing the law from taking effect. Texas appealed to the United States Court of Appeals for the Fifth Circuit. The states' amicus brief urges the court to affirm the district court's decision.

Madigan and the attorneys general argue that under the Supreme Court's controlling "undue burden" standard, an abortion regulation is unconstitutional when its benefits to a state interest are not sufficient to justify the law's burdens on abortion access. Where, as here, an abortion regulation would in effect ban safe and legal second-trimester abortions after 15 weeks of pregnancy, no purported benefit is sufficient to justify the burden on access.

Joining Madigan in filing today's brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Vermont, Virginia and Washington.

A copy of the brief can be found [here](#).

-30-

[Return to April 2018 Press Releases](#)

