



FOR IMMEDIATE RELEASE: Friday, June 29, 2018

Iowa Supreme Court Strikes Down 72-Hour Wait Abortion Law

(Des Moines, IA) – Today the Iowa Supreme Court declared unconstitutional an Iowa law that would have 1) required women to make a second, medically unnecessary clinic appointment and 2) then wait at least 72 hours after that appointment to finally receive abortion services.

Suzanna deBaca, CEO of Planned Parenthood of the Heartland, said, "We are elated the Court blocked Gov. Reynolds' egregious anti-woman agenda of making safe, legal abortion harder to access. No matter what she or her allies in the Legislature throw at us, Planned Parenthood will continue to stand up for Iowa women. We will do all we can to make sure everyone who needs an abortion continues to have access to safe, legal health care – no matter what."

"This is a tremendous victory," said **Rita Bettis, ACLU of Iowa legal director**. "This is the most important constitutional rights case in Iowa since *Varnum*. It recognizes that women have equal footing to men under our laws. It holds that women have a fundamental right to a safe and legal abortion which cannot be legislated away. This is a very important, happy day for women's freedom and equality in Iowa. The court based its decision on its recognition that women's equality and freedom is intrinsically tied to her ability to make her own decisions about her body and whether to become a parent."

Bettis noted that "because this decision is rooted in the Iowa Constitution, the Iowa Supreme Court is the final word on the matter. The decision is not subject to appeal to the federal courts."

PPHeartland Medical Director Jill Meadows, M.D., a plaintiff in the case, said "Today's ruling is a victory for every Iowan who has ever needed or will need a safe, legal abortion. The Iowa Supreme Court recognized that a 72-hour forced delay would harm patients and had no basis in sound medical evidence. Rather, the Court understood the 72-hour restriction for what it was: an unnecessary attack on a constitutionally protected right and private medical decision."

The win marks the end of a long legal fight for Iowa women. In May 2017, Iowa passed one of the most restrictive abortion laws in the country, which was scheduled to take immediate effect. Planned Parenthood and the ACLU immediately filed a lawsuit seeking to block two parts of the law that would 1) require women to make a second, medically unnecessary clinic appointment and 2) then wait at least 72 hours after that appointment to finally receive abortion services.

On October 2017, the Polk County District Court declined to block the law. So Planned Parenthood and ACLU then immediately filed an appeal to the Iowa Supreme Court, which granted a temporary injunction until the Court could decide the case.

The new law would have delayed women not just days but in many cases weeks in their efforts to obtain an abortion. For some women, it would have made it impossible for them to access

care. before Iowa's 20-week abortion limit. That's because of scheduling challenges in women's lives and with medical services.

The new law also would have created significant burdens and obstacles for women trying to access abortion services. Many already must drive long distances and take time off work and find child care to get medical care. Requiring women to make an extra, medically unnecessary trip to their provider and to wait before having an abortion would be especially devastating to women who already face significant barriers to care, including low-income and rural women, as well as women at risk for domestic violence and women experiencing pregnancy-related complications.

The Court wrote powerfully that a woman's equality and freedom are intrinsically tied to her ability to make her own decisions about her body and whether to become a parent. It also recognized that enacting the law would have severely curtailed many women's ability to get abortions and in many cases, prevented them from being able to get them at all.

The Court wrote: "Autonomy and dominion over one's body go to the very heart of what it means to be free. At stake in this case is the right to shape, for oneself, without unwarranted governmental intrusion, one's own identity, destiny, and place in the world. Nothing could be more fundamental to the notion of liberty."

It also recognized that "Abortion regulations impact different women in many different ways. Womanhood is not a monolith. There are few hurdles that are of level height for women of different races, classes, and abilities. There are few impositions that cannot be solved by wealth. Women of means are surely better positioned to weather the consequences of waiting-period requirements. Yet, it is axiomatic that a right that is only accessible to the wealthy or privileged is no right at all. Accordingly, on our review of the Act, we will measure its constitutionality by "its impact on those whose conduct it affects."

Further, the Court understood that "Whether a woman is personally prepared and capable of assuming life-altering obligations and expectations is a decision about which the government has scarce insight."

To view the opinion in full, go to:

https://www.aclu-ia.org/sites/default/files/pph_v_reynolds_6-29-18_decision.pdf

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Planned Parenthood of the Heartland is a 501(c)3 nonprofit that provides, promotes, and protects reproductive and sexual health through health services, education, and advocacy. An affiliate of America's most trusted provider of reproductive health care, PPHeartland is proud to offer a full range of high-quality services at 10 health centers in Iowa and Nebraska.

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The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans—from atheists to devout Christians, from labor unions to businesspeople and more—to make sure the constitutional rights of all are preserved. For more information, please go to www.aclu-ia.org.

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Planned Parenthood is the nation's leading provider and advocate of high-quality, affordable health care for women, men, and young people, as well as the nation's largest provider of sex education. With approximately 700 health centers across the country, Planned Parenthood organizations serve all patients with care and compassion, with respect and without judgment. Through health centers, programs in schools and communities, and online resources, Planned Parenthood is a trusted source of reliable health information that allows people to make informed health decisions. We do all this because we care passionately about helping people lead healthier lives.