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Judge Blocks Montana Law Prohibiting Nurses From Performing Abortions	Oregon Pro-Choice Advocates Mount Defense of State Funding for Abortion Care	Court Deals Blow to Pence-Era Indiana Anti-Choice Law
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Abortions (Updated)

Apr 10, 2018, 1:57pm Nicole Knight

All but nine states have imposed “physician only” restrictions on who can perform an abortion, according to the Guttmacher Institute.

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The Center for Reproductive Rights and the American Civil Liberties Union of Montana had challenged the Montana Abortion Control Act on behalf of the nurse. The law permits only licensed physicians and physician assistants to provide abortion care in the state.

□ Shutterstock

UPDATE, May 7, 10:24 a.m.: The Montana Supreme Court recently upheld a ruling allowing advanced practice registered nurses to provide abortion care. Meanwhile, the challenge to the state law barring advanced nurses from providing abortions continues.

Two nurses challenging the constitutionality of a Montana abortion law were handed a temporary win in court last week.

A Montana district court judge temporarily blocked a state law barring highly skilled nurses from providing abortion services under threat of criminal prosecution.

The preliminary injunction allows plaintiffs Helen Weems, an advanced practice registered nurse

(APRN), and an unidentified certified nurse midwife, to complete their training to provide abortion services in the state, according to a statement by their attorneys.

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Weems operates All Families Healthcare in Whitefish. More than 90 percent of Montana counties are without an abortion clinic, and 55 percent of Montana women live in those counties, according to 2014 figures from the Guttmacher Institute.

The Center for Reproductive Rights and the American Civil Liberties Union of Montana had challenged the Montana Abortion Control Act on behalf of the nurses. The law permits only licensed physicians and physician assistants to provide abortion care in the state.

In his decision, District Court Judge Mike Menahan cited a 2013 study published in the *American Journal of Public Health* that found similarly low complication rates whether nurse practitioners, certified nurse midwives, physician assistants, or doctors performed an abortion.

“The court’s decision also concludes that the state has no compelling reasons for allowing only physicians and physician assistants to provide abortion services,” Hillary Schneller, staff attorney with the Center for Reproductive Rights, said in a statement.

All but nine states have imposed “physician only” restrictions on who can perform an abortion, according to the Guttmacher Institute. Abortion providers in Maine are also challenging the state’s “physician only” law.

TOPICS AND TAGS: Abortion Care, Abortion restrictions, Abortion Rights, Access to abortion, ACLU, American Civil Liberties Union, Center for Reproductive Rights, Guttmacher Institute, Human Rights, Law and Policy, Public Health, Reproductive rights

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"The good news is Oregon is a pro-choice state and we have a pro-choice electorate. We know that voters largely recognize these attempts to reduce access for what they are."

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□ 131 | □ 68 | □ | □ | □ | □ | □

A July poll of Oregon voters found 53 percent opposed a “ban on the ability to obtain an abortion in Oregon,” as Northwest Public Broadcasting reported. About one-third said they’d support a ban.

□ Michael B. Thomas/AFP/Getty Images

Pro-choice activists mounted a counterattack the moment word spread: An Oregon ballot initiative to ban state funding for abortion care had gained enough signatures to appear on the November ballot.

Within 48 hours, more than 1,000 Oregonians had promised to vote no to Measure 106, organizers said.

The site NoCutstoCare.com went live with this message: Measure 106 would amend the state constitution to strip abortion insurance coverage from some 327,000 Oregon women. These were low-income women of reproductive age with public insurance or women with government jobs.

“This would really dramatically decrease access to abortion for many, many women in Oregon, including the most vulnerable who really already face high barriers to care,” said Grayson Dempsey, executive director of NARAL Pro-Choice Oregon. NARAL is part of the campaign opposing Measure 106 that includes the American Civil Liberties Union of Oregon, the Oregon Nurses Association, and Catholics for Choice.

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The anti-abortion insurance initiative isn’t new. But this year is the first time it will appear before voters after three failed attempts to qualify for the ballot. The Oregon secretary of state verified the signatures last week.

Dempsey is skeptical that voters in a state without a single restriction on abortion care will support Measure 106.

“The good news is Oregon is a pro-choice state and we have a pro-choice electorate,” Dempsey told *Rewire.News*. “We know that voters largely recognize these attempts to reduce access for what they are.”

A July poll of Oregon voters found 53 percent opposed a “ban on the ability to obtain an abortion in Oregon,” as Northwest Public Broadcasting reported. About one-third said they’d support a ban.

Oregon is one of 17 states that cover abortion under Medicaid, according to the Guttmacher Institute. The use of direct federal funds for abortion is illegal under the federal Hyde Amendment in all 50 states, except in rare circumstances. Last year, Oregon’s Democratic-led state legislature went a step further, extending abortion coverage and other reproductive services to undocumented immigrants.

It’s unclear how the measure’s backers intend to mobilize the state’s 2.7 million registered voters, about 36 percent of whom are registered Democrats.

Campaign records indicate the political action committee Stop the Funding spent at least \$120,000 in in-kind contributions, typically goods or services, this year to get the initiative on the ballot. The PAC now has \$900 cash on hand.

Jeff Jimerson, the head of Oregon Life United and the PAC’s chief organizer and main sponsor of Measure 106, did not respond to *Rewire.News*’ request for comment. Jimerson told Oregon Public Broadcasting that Measure 106, if successful, wouldn’t outlaw abortion, but it might force pregnant people to reconsider their decision by adding “a little bit of a speed bump.”

NARAL’s Dempsey said the last time a similar proposition appeared on the ballot in the state was 1986. It failed.

In 2016, during an attempt to qualify the measure the ballot, the state supreme court ordered Jimerson to change the ballot language. The sponsors were forced to make it clear that the measure’s overarching effect was to deny abortion coverage to people with low incomes, as *Rewire.News* reported.

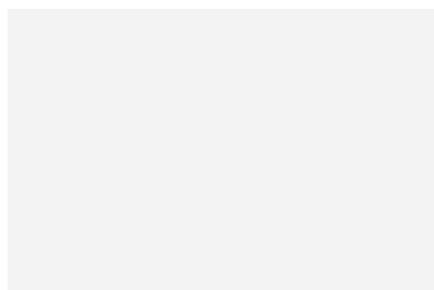
The measure’s title now says Measure 106 “reduces abortion access.”

“I do feel confident that doing the hard work, and reaching voters, that we will be able to defeat this in November,” Dempsey said.

CORRECTION: A previous version of this article misstated the number of states that cover abortion under Medicaid. It is 17, not 19.

TOPICS AND TAGS: 2018 Elections, Abortion Care, Abortion restrictions, Abortion Rights, ACLU, American Civil Liberties Union, NARAL, Politics, Pro-Choice Activists, State elections

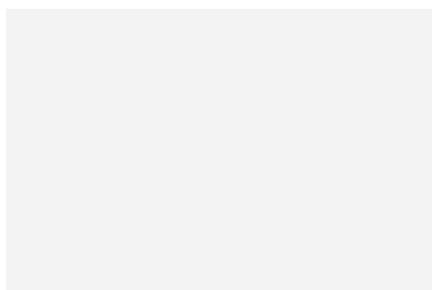
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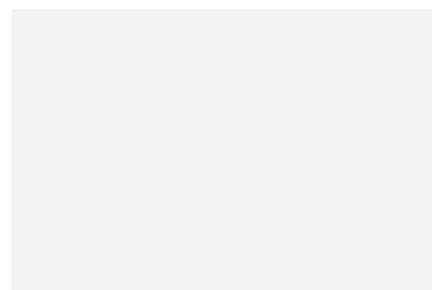
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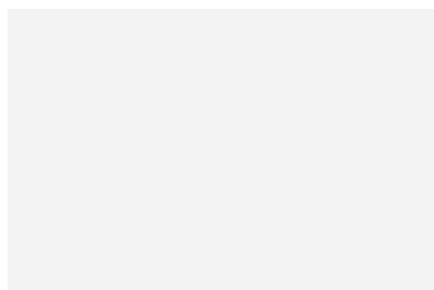
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