

The San Diego Union-Tribune

Tennessee town sued over ordinance targeting abortion clinic

By TRAVIS LOLLER | ASSOCIATED PRESS | DEC. 18, 2019 | 1:25 PM

<https://www.sandiegouniontribune.com/news/nation-world/story/2019-12-18/tennessee-town-sued-over-ordinance-targeting-abortion-clinic>

NASHVILLE, Tenn. — The American Civil Liberties Union sued a Tennessee town Wednesday over its efforts to prevent a local clinic from providing surgical abortions.

Carafem opened March 1 in Mount Juliet, outside of Nashville, offering medication abortions, birth control and emergency contraception, and planned to begin offering surgical abortions soon. Within 48 hours of opening, Carafem was completely booked for the next 30 days, according to the lawsuit filed in federal court in Nashville.

On March 3, just two days after the clinic opened, city commissioners held a specially called meeting on a Sunday where they introduced an ordinance that would effectively prevent Carafem from performing surgical abortions anywhere in the city, according to the suit.

The clinic is in a commercial zoning district in a medical pavilion with several other medical providers. The ordinance, which got final approval on April 8, allows a clinic performing surgical abortions to be located only in special industrial zones. But it also includes a provision that those clinics cannot be located within 1,000 feet of any churches, parks, schools, libraries, child care facilities or residential areas.

“Thus, in purpose and effect, the Ordinance is a complete ban on Surgical Abortion Clinics within the city limits of Mt. Juliet,” the lawsuit states.

The lawsuit claims the city is acting illegally by targeting the constitutional right to an abortion. According to the suit, city commissioners and the mayor openly explained that they were motivated to pass the ordinance by their personal opposition to abortion.

Speaking of the clinic, former city Commissioner Brian Abstrom told a local television station, "I am pro-life, so I will take any action possible within the law to make sure it's not here."

City officials were not immediately available for comment Wednesday afternoon.

The lawsuit seeks a declaration that the ordinance is unconstitutional and an injunction preventing the city from enforcing it.

Carafem's opening in the Nashville area came after the city's Planned Parenthood clinic temporarily stopped providing abortions beginning in December 2018. During that time, the Carafem clinic in Atlanta saw a spike in women travelling from Tennessee to get an abortion, according to the lawsuit.

The clinic's suspension of abortion services sparked concerns about women's access to abortion in a Republican-dominated state where GOP lawmakers have fought to make the procedure more difficult to obtain.

Planned Parenthood of Tennessee and North Mississippi is one of several groups suing Tennessee over a 2015 law that requires a 48-hour waiting period after mandatory in-clinic counselling before women can get an abortion. That case was argued in federal court in September, but the judge has not yet ruled.