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ACLU: Indiana virus directive should not restrict abortions

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Gov. Eric Holcomb's directive calling for all Indiana health care facilities to cancel or postpone non-urgent surgical procedures amid the coronavirus pandemic should not restrict the ability of women to obtain abortions, an attorney for the American Civil Liberties Union of Indiana said Wednesday.

Unlike orders issued in other states, including Texas, seeking to ban abortions during the pandemic, Indiana's directive would not have that impact because of the way it is worded, said Ken Falk, the group's legal director.

"Indiana is relying on the good sense of the abortion providers to make sure that they are able to continue without in any way impacting negatively on the ability to respond to the virus. I think they will be able to do that," Falk said, adding that he was speaking on the ACLU of Indiana's behalf.

The group, which has represented Planned Parenthood in several lawsuits challenging abortion restrictions passed by Indiana's Legislature, said in a statement that it "will continue to monitor the situation to ensure Hoosiers' rights are protected."

Holcomb, a Republican, said Tuesday that [his directive](#) was intended in part to ensure that personal protective equipment around Indiana goes toward "defeating COVID-19."

Chris Charbonneau, the CEO of Planned Parenthood of Indiana and Kentucky, said in a statement that it is complying with Holcomb's directive and also working to conserve needed resources to protect the health and safety of its staff and patients. She said the group's top priority remains "ensuring that every person can continue accessing essential health care, including abortion."

"Medical experts recognize that abortion is an essential, time-sensitive medical procedure," Charbonneau added in her statement.

Holcomb's directive was included in a Monday order eliminating licensing barriers for retired or inactive medical professionals willing to lend a hand during the pandemic. It directs all health care facilities, including abortion clinics, to "cancel or postpone elective and non-urgent surgical or invasive procedures." It applies to those surgeries or invasive procedures "which can be delayed without undue risk to the current or future health of the patient as determined by the patient's treating physician, dentist or health care provider."

When questioned Tuesday about whether his directive could restrict Indiana women's access to getting an abortion, Holcomb essentially repeated the directive's latter part, saying that "in every case I would leave it up to the doctor to determine and decide" each patient's care.

