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Court allows Arkansas ban on surgical abortions due to virus

By ANDREW DeMILLO 12 minutes ago

LITTLE ROCK, Ark. (AP) — A federal appeals court on Wednesday allowed Arkansas to ban most surgical abortions during the coronavirus pandemic.

A three-judge panel of the 8th U.S. Circuit Court of Appeals dissolved a judge's temporary restraining order that [allowed](#) surgical abortions to continue after the Arkansas Department of Health told the state's only surgical abortion clinic to [stop performing](#) the procedure unless it was needed to protect the life or health of the mother.

The appeals court's ruling said the Health Department's "directive is a legally valid response to the circumstances confronted by the Governor and state health officials."

The state said Little Rock Family Planning Services violated an order requiring health providers to reschedule elective procedures that could be safely postponed. Other states have used similar orders to restrict abortions during the pandemic. Republican Gov. Asa Hutchinson on Wednesday said the state would ease its limits on elective surgeries starting Monday, though it was not immediately clear whether the move would allow surgical abortions to resume at the clinic.

The state issued the order after initially **encouraging** the clinic to stop performing the procedure for out-of-state patients. Arkansas has had at least 2,262 coronavirus cases and 43 deaths.

The state's order did not prohibit medication abortions that are still administered by Little Rock Family Planning and another clinic operated by Planned Parenthood.

“All medically unnecessary surgeries must be postponed, and this decision affirms that surgical abortions do not get special treatment,” Republican Attorney General Leslie Rutledge said in a statement.

The American Civil Liberties Union of Arkansas, which represented Little Rock Family Planning, said it was reviewing all options in response to the ruling.

“For the health and safety of all Arkansans, state officials need to focus on protecting people from the pandemic, not using the virus as an excuse to advance their own extremist political agendas,” Holly Dickson, the group's legal director and interim executive director, said in a statement.