

'Essential' abortions can continue in Iowa despite coronavirus outbreak, the state and advocates agree

Brianne Pfannenstiel, Des Moines Register | Published 5:22 p.m. CT April 1, 2020 | Updated 5:25 p.m. CT April 1, 2020

Iowa women will be able to obtain "essential" surgical abortions, even as the state moves to limit elective surgical procedures amid the coronavirus outbreak, the state and advocates have agreed.

The American Civil Liberties Union of Iowa [filed a lawsuit Monday](#) ([/story/news/health/2020/03/30/aclu-lawsuit-challenges-gov-kim-reynolds-orders-suspend-surgical-abortion/5086289002/](#)) on behalf of abortion providers arguing that Iowa Gov. Kim Reynolds' recent move to limit "nonessential" surgeries, [including abortions](#) ([/story/news/health/2020/03/27/coronavirus-in-iowa-surgical-abortion-suspended-kim-reynolds-non-essential-surgery-proclamation/2930439001/](#)), violates the Iowa Constitution.

The group had sought an emergency injunction to stop Reynolds' directive from being implemented.

But at a Wednesday afternoon court hearing where Judge Andrew Chappell was set to review the injunction request, lawyers for the ACLU and the state of Iowa said they had reached an agreement just minutes before. Chappell ended the hearing — which was conducted via teleconference — to review the proposed agreement, and he quickly approved it.

He issued an order shortly after the hearing, noting the ACLU had voluntarily withdrawn its motion for an emergency injunction.

More: [The latest on coronavirus in Iowa](#) ([/story/news/health/2020/03/30/latest-covid-19-news-iowa-coronavirus-updates-map-cancellations-number-cases-shutdown/2937706001/](#))

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The state, in responding to the ACLU's lawsuit, said Reynolds' emergency proclamation limiting elective surgeries only suspends "nonessential" surgical abortions that can be delayed without undue risk to the health of the patient.

The state acknowledged that physicians could consider Iowa's current ban on all abortions that occur after 20 weeks of pregnancy when determining whether an abortion is "essential." Delaying an abortion until after Reynolds' proclamation has lifted could mean women fall beyond that 20-week mark and could no longer obtain the procedure legally.

Veronica Fowler, communications director for the ACLU of Iowa, said the organization is confident that women seeking abortion services will be able to get them.

"We are all hoping for the quick end to this pandemic crisis and, in the meantime, we want to reassure patients that if they need to seek abortion or other reproductive health care, they should not be afraid to consult with a health care provider," ACLU and Planned Parenthood

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Although the motion for an injunction has been withdrawn, Fowler said the lawsuit will remain active "to make sure there aren't other attempts to restrict access" to abortion services.

"Gov. Reynolds is pleased that her proclamation remains in full effect and that surgical abortions will not be exempted from this suspension of nonessential and elective surgeries," Reynolds' spokesman, Pat Garrett, said in a statement.

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As of Wednesday afternoon, [549 Iowans had tested positive for COVID-19](/story/news/health/2020/03/30/latest-covid-19-news-iowa-coronavirus-updates-map-cancellations-number-cases-shutdown/2937706001/), the respiratory illness caused by the novel coronavirus. Nine people have died, including one person in Polk County.

Reynolds has taken sweeping steps to minimize the kinds of social interactions that could spread the virus, including closing many businesses and schools and banning gatherings of more than 10 people.

She [announced last week](/story/news/health/2020/03/26/iowa-governor-kim-reynolds-daily-covid-19-news-conference-coronavirus/2914636001/) she would temporarily suspend elective surgical and dental procedures to try to preserve personal protective equipment used by health care professionals — [an order she later clarified would also stop abortions](/story/news/health/2020/03/27/coronavirus-in-iowa-surgical-abortion-suspended-kim-reynolds-non-essential-surgery-proclamation/2930439001/).



- [The latest on coronavirus in Iowa \(https://www.desmoinesregister.com/story/news/health/2020/03/30/latest-covid-19-news-iowa-coronavirus-updates-map-cancellations-number-cases-shutdown/2937706001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002\)](https://www.desmoinesregister.com/story/news/health/2020/03/30/latest-covid-19-news-iowa-coronavirus-updates-map-cancellations-number-cases-shutdown/2937706001/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002)
- [Grinnell College poll: 1 in 4 Americans have lost wages because of coronavirus \(https://www.desmoinesregister.com/story/news/politics/2020/04/01/coronavirus-covid-19-grinnell-college-national-poll-donald-trump-approval-joe-biden-bernie-sanders/5095519002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002\)](https://www.desmoinesregister.com/story/news/politics/2020/04/01/coronavirus-covid-19-grinnell-college-national-poll-donald-trump-approval-joe-biden-bernie-sanders/5095519002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002)
- [Meet Tailyn Kaster, the sign language interpreter who helps deliver Iowa Gov. Kim Reynolds' coronavirus messages \(https://www.desmoinesregister.com/story/news/politics/2020/03/31/coronavirus-iowa-sign-language-interpreter-reynolds-news-events-covid-19/5087352002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002\)](https://www.desmoinesregister.com/story/news/politics/2020/03/31/coronavirus-iowa-sign-language-interpreter-reynolds-news-events-covid-19/5087352002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002)
- [Fact check: Are blood type and susceptibility to coronavirus linked? \(https://www.desmoinesregister.com/story/news/health/2020/04/01/fact-check-coronavirus-blood-type-a-more-susceptible/5102635002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002\)](https://www.desmoinesregister.com/story/news/health/2020/04/01/fact-check-coronavirus-blood-type-a-more-susceptible/5102635002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002)
- [Iowa schools brace for extended shutdown as COVID-19 infections near 500 \(https://www.desmoinesregister.com/story/news/education/2020/03/31/coronavirus-iowa-schools-extended-shutdown-covid-19-public-education-closures/5097435002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002\)](https://www.desmoinesregister.com/story/news/education/2020/03/31/coronavirus-iowa-schools-extended-shutdown-covid-19-public-education-closures/5097435002/?utm_source=oembed&utm_medium=onsite&utm_campaign=storylines&utm_content=news&utm_term=4955608002)

Reynolds, a Republican, said the measure had nothing to do with personal ideology.

"Everyone is making sacrifices. Everyone," she said Sunday, before the suit was filed. "And so this is a decision that we're making on a daily basis, and that was no different."

The lawsuit was filed in Johnson County District Court on behalf of Planned Parenthood of the Heartland, Planned Parenthood Medical Director Jill Meadows and the Iowa City-based Emma Goldman Clinic. It names Reynolds as a respondent, alongside several state officials.

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