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Judge temporarily delays 12-week abortion law in Arkansas

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By Michael Muskal
May 17, 2013 | 2:27 p.m.

An Arkansas law that bans most abortions after 12 weeks of pregnancy was temporarily blocked by a federal judge on Friday.

In a ruling from the bench, U.S. District Court Judge Susan Webber Wright in Little Rock granted a preliminary injunction preventing the Arkansas law from going into effect as scheduled, a member of the court staff said by telephone. It was scheduled to start Aug. 16.

Wright held that allowing the law to go into effect would cause “irreparable harm” to the doctors who sought the injunction and their patients. The decision means the law will be delayed until the constitutionality of the law is decided.

No date for arguments on the case has been set, according to the court staff.

The Arkansas Human Heartbeat Protection Act is among the recent efforts by states to limit the circumstances and time during which a woman can legally have an abortion as the U.S. Supreme Court held in the 1973 landmark case Roe vs. Wade. The Supreme Court ruled that a woman could choose an abortion until the fetus was considered viable, usually at 22 to 24 weeks.

The Arkansas law, which was passed by a Republican-controlled legislature overriding a veto by Gov. Mike Beebe, a Democrat, is based on when a fetal heartbeat can be detected by ultrasound testing and is sharply at odds with the federal standard. The law established the standard at 12 weeks, though the fetus would not be viable outside of the womb that soon, the plaintiffs argue.

The Arkansas law also includes exemptions if the pregnancy is the result of rape or incest or if the mother’s life is in danger.

“This law is an extreme example of how lawmakers around the country are trying to limit a woman’s ability to make the best decision for herself and her family,” said Talcott Camp, deputy director of the ACLU Reproductive Freedom Project. “Far from safeguarding women’s health, these laws are designed with one purpose -- to eliminate all access to abortion care.”

After Arkansas acted, North Dakota passed a law that bans abortions as early as six weeks after pregnancy if a fetal heartbeat can be detected.

The Arkansas lawsuit is being fought by the ACLU on behalf Dr. Louis Jerry Edwards and Dr. Tom Tvedten. It also names members of the Arkansas State Medical Board as defendants because the board is the agency that licenses medical professionals.

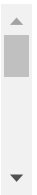
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