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## Tennessee abortion clinics seek order to keep providing care

Travis Loller, Associated Press Updated 4:27 pm CDT, Tuesday, April 14, 2020



FILE - In this March 16, 2020, file photo, Tennessee Gov. Bill Lee answers questions concerning the state's response to the coronavirus during a news conference in Nashville, Tenn. Tennessee abortion providers are asking a federal judge to order that abortions can go forward despite an executive order from Gov. Lee aimed at reducing the spread of the coronavirus. Their lawyers argue in a motion filed on Monday, April 13, 2020, that Lee's order blocking "nonemergency healthcare procedures" should not apply to abortions.

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NASHVILLE, Tenn. (AP) — Tennessee abortion providers have filed an emergency motion in federal court, asking for an order allowing them to continue serving women despite Gov. Bill Lee's executive order aimed at slowing the spread of the coronavirus.

Their attorneys argue in a motion filed late Monday night that abortions should be exempt from the Republican governor's order blocking nonemergency health care procedures.

Delaying abortions will “impose extreme burdens” on women by forcing them to travel long distances out of state during the pandemic, or wait weeks for an abortion, exposing them to increased medical risks, they argued.

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It also runs counter to guidance from the American Medical Association, which issued a statement “denouncing efforts to ‘ban or dramatically limit women’s reproductive health care’ at this time,” court filings state.

Lee spokesman Gillum Ferguson issued a statement saying the executive order seeks to preserve life-saving personal protective equipment and “limit close contact procedures that are unsafe during the COVID-19 pandemic. Planned Parenthood’s lawsuit is an unfortunate distraction as we work to ensure our healthcare community has access to critical supplies during the fight against COVID-19.”

The court filings take issue with that idea, stating, that a woman who remains pregnant will require more medical care, and therefore more use of personal protective equipment, than a woman who has an abortion.

“Prenatal care and delivery involve more patient-provider interactions, including prenatal visits, additional screening tests, and, ultimately, hospital admission

and labor and delivery, including a potential caesarean section, which is major abdominal surgery," the filings state.

Attorneys for the providers state that they attempted to resolve the issue without litigation but were unable to do so.

Lee issued a first executive order on nonessential medical services on March 23. Although the order specifically excluded "pregnancy-related visits and procedures" from the ban, a spokesman for Lee said at the time said the governor's "hope and expectation" was that abortions would not take place during the coronavirus crisis.

He issued a second order on April 8, before the expiration of the first order, that went much further, explicitly banning until April 30 any procedures that were not necessary "to provide life-sustaining treatment, to prevent death or risk of substantial impairment of a major bodily function, or to prevent rapid deterioration or serious adverse consequences to a patient's physical condition."

The ban applies to surgical abortions but not medication abortions, which are available to women who are less than 11 weeks pregnant, according to the Center for Reproductive Rights, one of the groups filing the lawsuit.

The new motion was filed as part of an ongoing lawsuit by abortion providers challenging a Tennessee law that requires women to attend an in-person counselling session at least 48 hours before an abortion. Both sides are awaiting a ruling in the lawsuit. The providers' lawyers, as part of their emergency motion, also want the judge to issue a preliminary injunction preventing the state from enforcing the in-person counselling requirement.

A spokeswoman for the Tennessee Attorney General's office said they would be filing a response soon.

For most people, the coronavirus causes mild or moderate symptoms, such as fever and cough that clear up in two to three weeks. For some, especially older

adults and people with existing health problems, it can cause more severe illness, including life-threatening pneumonia.

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