

2013: Despite attacks, some victories for our side

A (short-lived) victory in Texas: Sen. Wendy Davis' heroic filibuster of anti-abortion bill

Gaining national and even international attention through social media, **Texas State Sen. Wendy Davis** carried out an 11-hour filibuster on the floor of the Texas Senate to defeat Senate Bill 5, an omnibus anti-reproductive health bill that included an unconstitutional abortion ban at 20 weeks (pre-viability, in violation of *Roe v. Wade*), restrictions on medical abortion (RU-486) and TRAP regulations designed to shut down 37 of the state's 42 family planning clinics that provide abortion care.

Unable to stop Sen. Davis from filibustering to the end of the session, Senate Republican leaders violated their own rules by interrupting her and simply calling for a vote. When that didn't work they tried to stop the legislative clock from running out. Their gambits failed; three hours after the end of the legislative session they were forced to concede that Sen. Davis' filibuster had prevailed.

Our side's victory was short-lived, however. Gov. Rick Perry immediately called an unprecedented second special legislative session for the sole purpose of enacting the anti-choice bills. He signed them into law on June 18. Davis, who has become a hero to many advocates of women's rights and health, is now running for governor. Perry has announced he will not seek a fourth term as governor and is considering a run for president.

Progress in the Courts

A disastrous **Mississippi** law attempted to shutter the state's sole abortion clinic by requiring abortion providers to have admitting privileges at a local hospital — even though all local hospitals announced they would refuse privileges to any doctor, no matter how skilled or highly regarded, who offers abortion care to her/his patients. [A federal judge blocked the provision](#), stating it would “result in a patchwork system where constitutional rights are available in some states but not in others.” The decision is not final, but it is a step in the right direction.

Similar provisions in **Alabama, North Dakota and Wisconsin** have also been enjoined by federal courts; in all cases, the courts ruled that the law would likely be found to impose an “undue burden” on a woman's basic right to obtain safe, medically appropriate abortion care.

Indiana, which had already required sites where surgical abortion was performed to adhere to standards similar to those for ambulatory surgical centers (ASCs), tried to extend these requirements to apply even to sites where no surgical abortions, but only

medication abortions, are performed. [The law seemed to be targeting a specific clinic](#), which was saved from closure when a federal judge blocked the legislation.

Some States Passed Positive Women's Health Legislation

In May, the **Colorado** legislature amended a statute that criminalizes assault on a pregnant woman by including penalties for causing the pregnant woman to miscarry, with exceptions for medical treatment and actions by the pregnant woman. The bill would also repeal the state's pre-Roe abortion restriction. The bill is awaiting action by Democratic Gov. John Hickenlooper. Colorado has also recently passed a measure that effectively ends abstinence-only sex education, replacing it with scientifically supported comprehensive sex ed. **Illinois** has enacted similar legislation.

Hawaii enacted a measure requiring hospitals to provide survivors of sexual assault with medically accurate and unbiased information on emergency contraception, and to give them the medication upon request. Hawaii is the 17th state, along with the **District of Columbia**, to require women be given information about emergency contraception and the 13th state (including the District of Columbia) to require she be given the medication on request.

New Hampshire's budget reversed the 57% cut in family planning funding adopted in 2011, restoring funds to their previous level. Federal courts, meanwhile, sided with the Obama administration and blocked provisions adopted in **Arizona and Indiana** that would have excluded family planning providers that had any association with abortion from being able to participate in the Medicaid program.

Some additional good news is the ruling from the U.S. Court of Appeals for the Ninth Circuit which struck down a 2012 **Arizona** law that would have banned abortion at 18 weeks gestation except when the procedure was necessary to protect the woman's life or prevent "substantial and irreversible impairment" to her health. The court told Arizona that the state may not prevent a woman from terminating a pregnancy prior to viability.

This page has been adapted from "War on Women's Reproductive Rights Escalates in the States" from August 2013.

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