

Texas SB 8 puts bounties on doctors' heads for delivering care

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What's the news: A new Texas law bans virtually all abortions in the state after about six weeks' gestation and invites private parties to file civil lawsuits against anyone performing or "aiding and abetting" an abortion.

A successful civil lawsuit under the Texas legislation, Senate Bill 8, would allow plaintiffs to collect a minimum of \$10,000 for each abortion challenged. The U.S. Supreme Court has denied an emergency application to block the law from taking effect.

The AMA "is deeply disturbed by Texas SB 8 and disappointed" by the Supreme Court's "allowing this egregious law to go into effect," said Gerald E. Harmon, MD, a South Carolina family physician and president of the AMA.

"This significant overreach not only bans virtually all abortions in the state, but it interferes in the patient-physician relationship and places bounties on physicians and health care workers simply for delivering care," he added. "Opening the door to third-party litigation against physicians severely compromises patient access to safe clinical care."

Why it's important: "This new law is a direct attack on the practice of medicine and patient reproductive health outcomes," Dr. Harmon said. "As physicians and leaders in medicine, we urge our nation's highest court to take action immediately and stop the implementation of Texas SB 8. Failure to do so places physicians' clinical judgement and patient access to safe care in dire peril."

The Supreme Court initially took no action, allowing the law to take effect early Wednesday, then denied the emergency application late yesterday.

“In reaching this conclusion, we stress that we do not purport to resolve definitively any jurisdictional or substantive claim in the applicants’ lawsuit,” the court noted. “In particular, this order is not based on any conclusion about the constitutionality of Texas’s law, and in no way limits other procedurally proper challenges to the Texas law, including in Texas state courts.”

According to news reports, Texas abortion clinics are still operating but have restricted their services to pregnancies of less than six weeks’ gestation and some have said the law will likely force them to close. The law is widely expected to have a deeply inequitable impact on access to reproductive health services for Texas patients.

Learn more: Texas SB 8 come before the high court again, following attempts to enforce it.

Earlier this year, the U.S. Supreme Court agreed to hear arguments in the case of *Dobbs v. Jackson Women’s Health Organization*. A 2018 Mississippi law barring most abortions after the 15th week of pregnancy is at issue in that case. *Amicus* briefs supporting challenges to the law are due to be filed later this month.

In April, the Biden administration moved to strengthen the Title X family planning grant program and erase restrictions on patient-physician communication imposed by the Trump administration.

The AMA, Oregon Medical Association and others filed a lawsuit in 2019 seeking to block the Trump administration from implementing the gag rule that unlawfully dictated what physicians practicing at facilities funded by Title X grants could not say, and were required to say, to their patients. In May, the Supreme Court dismissed that and another Title X case at the joint request of the parties given the Biden administration’s plan to take administrative steps to rescind the Title X gag rule.

Read more about the AMA’s judicial advocacy and the work of the Litigation Center for the American Medical Association and State Medical Societies.