High court must reject arbitrary, intrusive Mississippi law

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What’s the news: The AMA has joined the American College of Obstetricians and Gynecologists (ACOG) and nearly 30 other organizations representing physicians and other health professionals to file an amicus brief in a U.S. Supreme Court case that will determine whether a 2018 Mississippi state law banning abortion procedures after the first 15 weeks of pregnancy is constitutional. The case threatens to overturn abortion-rights protections the high court established under Roe v. Wade nearly 50 years ago.

The friend-of-court brief (PDF) supports the Jackson Women’s Health Organization and others who have challenged the law. It urges the court to affirm the 5th U.S. Circuit Court of Appeals decision that upheld a district-court ruling that case law does not allow states to ban abortions before a fetus is viable. That time of viability was about 28 weeks’ gestation when Roe v. Wade was decided in 1973, and is sometimes at 23 or 24 weeks today. The U.S. Supreme Court is scheduled to hear oral arguments in the case, Dobbs v. Jackson Women’s Health Organization, on Dec. 1.

“Mississippi’s attempt to restrict physicians’ ability to provide safe and effective clinical care in consultation with their patients about their choice of health care options is a direct attack on the patient-physician relationship,” said AMA President Gerald E. Harmon, MD.

“The AMA will always stand up against unnecessary government intrusion into the medical examination room,” Dr. Harmon added. “Failure to strike down this unconstitutional law will not only severely compromise patient access to safe reproductive care, particularly for our most marginalized patients, but will jeopardize the overall health of the nation.”

Why it’s important: Reproductive health care is essential to women’s overall health and access to abortion is an important part of that care, the brief tells the nation’s highest court. Mississippi’s 15-week ban threatens the health of pregnant patients by “arbitrarily barring their access” to the procedure months before a fetus is viable, which would cause “severe and detrimental physical and psychological health consequences for pregnant patients.”
Studies have found women are more likely to self-induce abortions when they face barriers to reproductive services and those who are forced to carry a pregnancy to term face “an outcome with significantly greater risk to maternal health and mortality,” the brief says.

Moreover, it is important the Mississippi law be overturned because, the brief says, it “impermissibly intrudes into the patient-physician relationship.” In doing so, the law limits physicians’ ability to provide health care that they and their patients decide is best. The law also undermines medical ethics, putting physicians in a position of having to choose whether to provide care consistent with their medical judgment or risk losing their medical licenses.

**Learn more:** The AMA also recently filed an amicus brief with ACOG and others in a South Carolina case before the 4th U.S. Circuit Court of Appeals that will decide the constitutionality of a law in that state that bans nearly all abortions after six weeks’ gestation. The brief urges the court to affirm a district court preliminary injunction that stops the law from taking place while the lawsuit, *Planned Parenthood South Atlantic et al. v. Wilson et al.*, works its way through the court system.

Read more from the AMA about how a Texas law, SB 8, puts bounties on doctors’ heads for delivering care.

Learn about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center’s case-selection criteria.