Reproductive health care providers challenge Arizona laws that put women’s health at risk

Planned Parenthood of Arizona, Center for Reproductive Rights and co-plaintiffs file federal lawsuit

PHOENIX — Today, women’s reproductive health care providers filed a federal lawsuit seeking to remove Arizona TRAP (Targeted Regulation of Abortion Provider) laws that prevent and delay many women from accessing abortion. The lawsuit was filed by reproductive health care provider Planned Parenthood of Arizona and individual clinicians represented by O’Melveny & Myers, Planned Parenthood Federation of America, the Center for Reproductive Rights, and Squire Patton Boggs.

Arizona’s extreme, medically unnecessary TRAP laws violate Arizona women’s constitutional right to access legal abortion. Their effect has been dramatic: a 40 percent decline in abortion clinics, leaving eighty percent of Arizona counties with no access to abortion clinics, and weeks-long waiting times for services. There is only one abortion provider in the Northern part of the state, and that health center only provides medication abortion one day per week.

“Arizona lawmakers have made it difficult or even impossible for women to access safe, legal abortion,” said Bryan Howard, president and CEO of Planned Parenthood of Arizona. “Medically unnecessary laws that only serve to attack women’s rights and put women’s health at risk should be overturned to protect women’s health and rights.”

The lawsuit challenges three aspects of Arizona’s TRAP laws:

- An advanced practice clinician ban that prohibits qualified advanced practice clinicians like nurse practitioners from providing abortions and related services;
- A mandatory delay and two-trip requirement that imposes needless barriers to health care, including requiring patients to visit clinics in person, twice, with a 24-hour mandatory delay between visits that, in practice, delays women far longer; and
- A telemedicine ban that prevents access to early abortion services in remote areas.

“For too long, Arizona has burdened women with unnecessarily restrictive rules that are designed to make it harder to access constitutionally protected health care,” said Catalina Vergara, a partner at O’Melveny & Myers LLP. “O’Melveny is partnering with Planned Parenthood Arizona, the Center for Reproductive Rights and individual clinicians to challenge these overly burdensome regulations. Through our lawsuit, we hope to advance and protect women’s right to safe and accessible reproductive health care.”
“I treat my patients based on science and evidence, and the science and evidence are clear — abortion is one of the safest medical procedures, and abortion care is part of the full spectrum of reproductive health care,” said Planned Parenthood Federation of America President Dr. Leana Wen. “When politicians restrict the right to safe, legal abortion, they are directly interfering with medical practice and endangering women’s lives. We in the medical and public health community know that to improve health, we must get rid of these outdated, medically unnecessary restrictions.”

“Many parts of Arizona have become an abortion desert,” said Marc Hearron, senior counsel at the Center for Reproductive Rights. “These laws have no medical basis — their sole purpose is to make it much more difficult to obtain an abortion, and they have done just that. We are asking the court to strike down these laws as unconstitutional because they impose an undue burden on women seeking abortions.”

Medically unnecessary laws have essentially stripped abortion access from many women living in Navajo, Hopi, Hualapai and Apache tribal jurisdictions, among others, as well as rural women in other regions of the state who already face many barriers to accessing essential health care.

Allowing qualified medical professionals to prescribe pills for abortion via telemedicine would expand access to women in underserved areas. Medication abortion has been available in the U.S. for many years and is extremely safe — the complication rate is less than one-half of one percent according to the Guttmacher Institute, whether provided in-person or by telemedicine. Telemedicine has been widely embraced in Arizona and across the nation as a high-quality health-care option. In fact, the legislature has promoted the use of telemedicine to provide other health-care services, including treatments for trauma, burns, cardiology, pulmonology, infectious diseases and neurologic diseases — even strokes.

“I am qualified to provide medication abortion,” said Deanna Wright, N.P., a nurse practitioner with Planned Parenthood of Arizona. “I could safely provide medication abortion to women in underserved communities, but the State is stopping me.”

Permitting qualified clinicians to provide abortion services would also help expand access. Abortion is the only medical procedure that the Arizona Legislature has specifically banned trained nurse practitioners and physician assistants from providing, even though they can provide medically identical procedures in miscarriage management.

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About Planned Parenthood of Arizona
In the community for 85 years, Planned Parenthood Arizona is the leading sexual health organization in Arizona. The organization provides health care, education and outreach services to more than 90,000 men, women, teens and parents annually. Planned Parenthood Arizona operates health center locations statewide. For more information, please visit www.ppaz.org

About the Center for Reproductive Rights
Founded in 1992, the Center for Reproductive Rights is a global legal advocacy organization dedicated to advancing reproductive health and autonomy. The Center’s groundbreaking court
cases have expanded access to safe abortion, birth control and maternal healthcare in the U.S. and across the globe. The Center has been involved in every U.S. Supreme Court abortion case in the last 25 years—most recently in the 2016 landmark victory *Whole Woman’s Health v. Hellerstedt*. 