

Texas contests federal order to grant life-saving abortions

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Austin, July 16 (RHC)-- The U.S. state of Texas has sued the Biden administration over recent federal guidelines directing doctors to perform emergency abortions in cases where the life of a pregnant patient is at risk.

Texas Attorney General Ken Paxton announced the lawsuit, accusing the Joe Biden administration of attempting to “transform every emergency room in the country into a walk-in abortion clinic.”

Earlier this week, the Department of Health and Human Services (HHS) advised that a federal law protecting patients’ access to emergency treatment requires abortions to be performed when doctors believe a person’s life or health is in danger.

The Biden administration has argued the requirement applies even in states where abortion is now banned in nearly all circumstances following the Supreme Court’s decision to overturn *Roe v Wade*, the 1973 case that guaranteed the right to an abortion in the United States.

The guidance applies “irrespective of any state laws or mandates that apply to specific procedures”, HHS said in a memo (PDF) on Monday. “If a physician believes that a pregnant patient presenting at an emergency department is experiencing an emergency medical condition ... and that abortion is the stabilizing treatment necessary to resolve that condition, the physician must provide that treatment.”

The lawsuit is the latest example of the legal battles being waged to shape the post-Roe landscape in the U.S., as conservative states push for restrictions and the federal government and liberal states look for ways to maintain access to abortion.

The flurry of legal action has created a sense of confusion over what is and is not allowed, as courts, state legislatures, and the federal government all weigh in on the abortion debate.

Paxton has argued that the Biden administration is trying to “have their appointed bureaucrats mandate that hospitals and emergency medicine physicians perform abortions”, despite the fact that the guidelines refer to emergency situations.

In Texas, a series of laws ban abortion without exceptions for rape or incest. But Paxton argues in the lawsuit that under those laws, abortions performed for “the purpose of saving the life of the mother” are not illegal. However, groups such as the American Civil Liberties Union (ACLU) have argued that those exceptions are “narrow.”

A judge had previously blocked Texas officials from enforcing a dormant 1925 state abortion ban that Paxton said was back in effect following the Supreme Court’s decision last month to overturn *Roe*. Paxton filed an emergency motion asking the state’s Supreme Court to vacate that decision, which it did on July 2.

White House Press Secretary Karine Jean-Pierre slammed the Texas lawsuit on Thursday as “yet another example of an extreme and radical Republican elected official.”

“It is unthinkable that this public official would sue to block women from receiving life-saving care in emergency rooms, a right protected under U.S. law,” she said in a statement.

With the protections guaranteed by *Roe* gone, abortion rights groups have stepped up pressure on the Biden administration to take more aggressive steps to counter restrictions.

Biden signed an executive order on July 8 directing HHS to defend access to federally-approved abortion pills and contraception, as well as promote public education efforts on reproductive rights.

A debate has continued within the Democratic Party over how much can be done and which steps can be taken to protect access to abortion with *Roe* struck down, with some progressives denouncing what they see as a lack of urgency from party leaders.

Others hope that voters will offer a rebuke to the Republican Party during the 2022 midterms over recent abortion restrictions.

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