

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



Women of various faiths are suing Indiana over the state's near-total abortion ban, saying it infringes on their beliefs.

(Getty Images)

An interfaith group of Hoosiers maintain that Indiana's abortion ban violates their religious freedom.

On Wednesday, the state Court of Appeals heard the latest arguments in a class action [lawsuit](#) filed last year by **Hoosier Jews for Choice** and a group of anonymous women who are **Episcopalian, Muslim, Pagan** and other faiths. The plaintiffs are arguing that the ban violates the state's Religious Freedom Restoration Act, [Indiana Capital Chronicle](#) reports.

American Civil Liberties Union of Indiana legal director Ken Falk argued there should be religious exceptions for abortions if there are secular exemptions.

“I think what RFRA tells us is that if you are impinging in a substantial way on religious rights, you have to have a compelling interest and there simply is no compelling interest not to allow this religious exemption, particularly given the other exemptions in the law,” Falk said.

Solicitor General James Barta argued that anti-abortion laws don't have anything to do with religion. Barta said the state has a right to protect fetuses “at all stages of development.” He also said religion is important, but Indiana still has a compelling interest when it comes to “protecting life.”

Last year, a lower court judge ruled that the abortion ban likely violates Indiana's religious freedom law. But it's unclear who the ruling protects: The case started out with a few plaintiffs but became a class-action suit this summer.

The lawsuit could ultimately end up before the Indiana Supreme Court, which allowed the ban to take effect again in August.

THE BEAT *States Newsroom coverage*

Wisconsin judge reaffirms 1849 law doesn't ban abortions



*Planned Parenthood of Wisconsin began providing abortions in two major cities this summer after a lower court judge said a 19th-century abortion law is not a ban.
(Isiah Holmes/Wisconsin Examiner)*

Dane County Judge Diane Schlipper reaffirmed her earlier ruling that said an 1849 law interpreted as an abortion ban only applies to feticide, [Wisconsin Examiner](#) reports. Schlipper's decision will likely be appealed to the liberal-leaning state Supreme Court. The state's Planned Parenthood affiliate said it would resume abortion services in Sheboygan as soon as possible. **Clinic locations in Milwaukee and Madison started providing abortions again after Schlipper's initial ruling in July.**

The judge also declined to issue an injunction preventing prosecutors from pursuing charges against abortion providers. But the defendants — district attorneys from three major counties — said they would abide by the ruling. Democratic Attorney General Josh Kaul is the lead plaintiff in the case. "This is a momentous victory, but we also recognize that this is not the end of the road," Kaul said. Wisconsin's leading anti-abortion groups criticized Schlipper's decision. "It is our hope that this misguided ruling will be promptly appealed," Pro-Life Wisconsin said in a [statement](#).

Oklahoma Republican says lawmakers don't want to punish abortions seekers

Efforts to prosecute women who want abortions in **Oklahoma** — a state that **bans all abortions unless the patient's life is at risk** — are unlikely to gain traction, according to Republican Sen. Shane Jett. "I don't find it in the Legislature to go after and hurt mothers who are in a world of hurt already being in the position where they're having to choose whether to let their baby live or not," Jett told [Oklahoma Voice](#). He was one of six Republican lawmakers who asked Attorney General Gentner Drummond to clarify whether a pregnant person can be prosecuted for seeking an abortion or self-inducing one.

Drummond issued an [opinion](#) last month saying that women cannot be charged for getting or performing their own abortions. Oklahoma was one of a few states with laws barring self-managed pregnancy terminations, but Drummond said that measure is dormant now. Last month, the state's high court issued a [decision](#) saying Oklahomans have a right to an abortion if they're near-death.

Rural Wyoming faces obstetrician burnout and shortage

The pregnancy care workforce has dissipated in Wyoming's Fremont County, an area the size of New Hampshire and home to about 40,000 residents, as obstetricians and midwives have retired, left the state or limited their practices because of burnout. **Providers who remain in the area suffer from taxing schedules and the uncertainty of travel nurses, among other hurdles,** [WyoFile](#) reports. The **threat of abortion restrictions** — two bans are

temporarily halted by the courts — could exacerbate the shortage, causing OB-GYNs and other birth workers to flee the state.

“I think Idaho is a good model of what would come if all the bans went into effect” in Wyoming, said Dr. Giovannina Anthony, a Jackson-based OB-GYN. Anthony is a plaintiff in the [lawsuit](#) challenging the state’s near-total ban. Her reproductive health clinic — one of two providers in the state offering in-person abortion care — is set to [close](#) next week due to operating costs.

Retaining young doctors is also an issue affecting the rural maternity care crisis. The University of Wyoming is a part of a program that pays medical residents up to 75% of tuition costs if they work in an underserved rural area. Natalie Eggleston participated in the program and pursued obstetrics. But Roe v. Wade's reversal and Wyoming’s anti-abortion laws led her to accept an OB-GYN in Montana. “The desire in my heart is still that I do want to work and help the people of Wyoming,” Eggleston said. “Sometimes things have to break for them to get fixed.”

THE PULL *Commentary from Ohio*

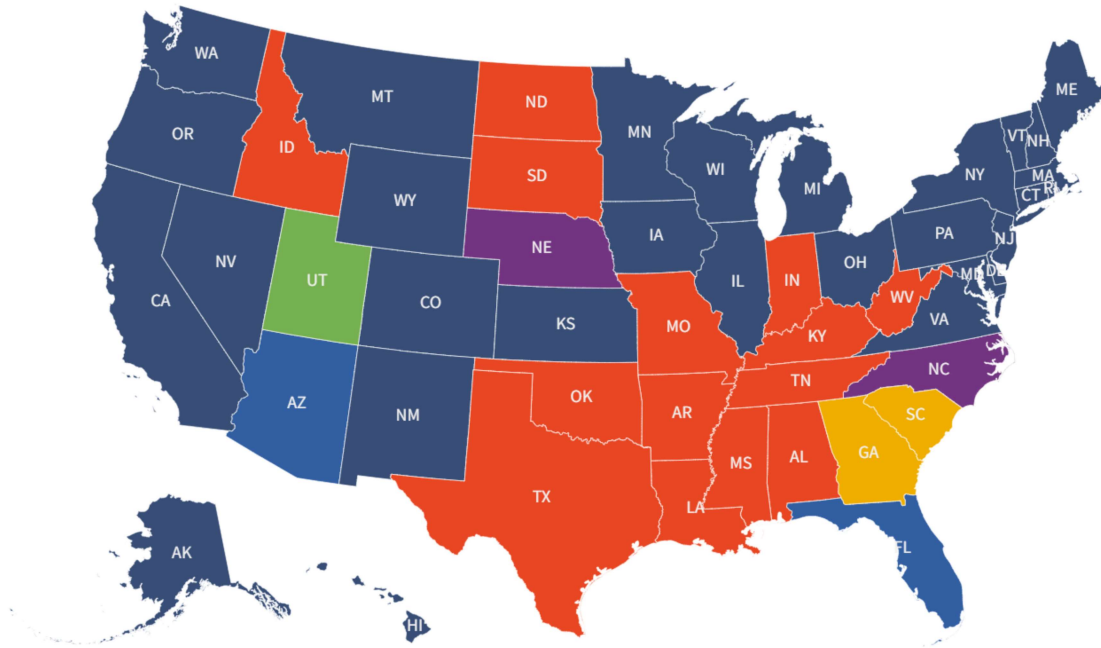
“Imagine the Republican uproar if a Democratic secretary of state did the same thing with prominent abortion rights groups to skew ballot language in *their* favor. What Secretary of State Frank LaRose revealed in colluding with anti-Issue 1 lobbyists to massage the text of a ballot initiative to *benefit their campaign* was public corruption beyond the pale.” — **Marilou Johaneck**, contributor, [Ohio Capital Journal](#)

THE PULSE *Reproductive rights news across the country*

- Clearwater, Florida police stopped arresting protesters who violate an abortion clinic buffer zone after a prosecutor said he would not pursue charges. ([Tampa Bay Times](#))
- A Planned Parenthood California affiliate sued the city of Fontana, accusing officials of blocking an abortion clinic’s construction. ([Los Angeles Times](#))
- The Democratic Legislative Campaign Committee is contributing \$271,000 total to six states where reproductive rights could be a pivotal 2024 issue. ([Mother Jones](#))
- Changes in the immune system during pregnancy could be linked to postpartum depression. ([The Washington Post](#))

Correction: The subject line of the Wednesday, Dec. 6 version of this newsletter should have said “Alabama senator protesting Pentagon’s abortion policy finally lifts hold on military nominees.”

STATE BY STATE *Abortion access in the U.S.*



Open this interactive map in your browser

Track state-level developments on reproductive rights anytime at [News From The States](#). Send tips and thoughts to ebrown@statesnewsroom.com, and follow her on Twitter [@elishacbrown](#).

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