

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



*Protesters at the Florida Supreme Court on June 24, 2022, the day the nation's high court overturned Roe v. Wade. The state's justices are reviewing a proposed abortion rights measure.
(Danielle J. Brown for Florida Phoenix)*

The Florida Supreme Court has scheduled oral arguments next month over an abortion rights ballot initiative.

A hearing is set for Feb. 7, [Florida Phoenix](#) reports. **Floridians Protecting Freedom is seeking to put a question before voters in November, asking them to guarantee abortion access through fetal viability and later to protect a patient's health.**

Abortion is allowed up to 15 weeks, but a six-week ban could take effect if the state Supreme Court rules that the 15-week ban is unconstitutional. A ruling in favor of the state would

overturn the court's own 1989 precedent that protected abortion under Florida's privacy clause, which voters approved more than 40 years ago.

Republican Attorney General Ashley Moody, who is asking the justices to block the petition, has argued in court briefs that the ballot language is ambiguous.

Susan B. Anthony Pro-Life America, the Florida Conference of Catholic Bishops and Florida Voters Against Extremism — a group formed to fight the abortion rights initiative — back Moody's position.

Last month, the coalition behind the petition announced that it had collected 1.4 million signatures for the effort. Election officials have verified nearly 864,000 signatures so far.

THE BEAT *States Newsroom coverage*

Arkansas governor asks Biden administration to rescind Pentagon abortion policy



Arkansas Gov. Sarah Huckabee Sanders, a Republican, opposes an abortion-related military policy. (Karen E. Segrave/Arkansas Advocate)

Republican Gov. Sarah Huckabee Sanders urged the federal government to undo a U.S. Department of Defense reproductive care policy that she said caused a colonel to resign, [Arkansas Advocate](#) reports. Sanders sent a letter to President Joe Biden and Defense Secretary Lloyd Austin on Tuesday that said **Col. Dillon Patterson**, of the Arkansas Air National Guard, resigned last month because **the policy violated his religious beliefs**. The

governor wrote that abortion is “a barbaric practice,” calling the Pentagon rule “irresponsible and shortsighted.”

Military officials issued a new policy in early 2023 that grants service members stationed in areas that ban abortion or lack reproductive health services travel allowances — a way to get care elsewhere. The Pentagon only funds abortions for personnel in cases of rape, incest or if the patient’s life is at risk.

U.S. Sen. Tommy Tuberville, an Alabama Republican, protested the Pentagon policy last year by withholding his vote on hundreds of military promotions, delaying a historically nonpartisan, unanimous process for months. He [relented](#) in December, and the leaders affected received back pay.

Texas ER doctors don’t have to provide life-saving abortions, federal appeals court rules

The U.S. 5th Circuit Court of Appeals ruled Tuesday that federal regulations do not require hospital providers to perform emergency abortions, [Texas Tribune](#) reports. Texas officials sued the Biden administration in 2022 after the U.S. Department of Health and Human Services issued guidance in the wake of Roe v. Wade’s upheaval. Federal officials stated that the **Emergency Medical Treatment and Labor Act** allowed emergency room physicians to provide abortions if necessary, even in states with newly enacted bans. EMTALA mandates any hospitals that receive Medicare funding to give patients stabilizing care, regardless of their ability to pay.

In Texas, all abortions are banned unless a patient is near-death, if their water breaks prematurely or in the case of an ectopic pregnancy. **The conservative-leaning 5th Circuit Court sided with Texas officials, ruling that EMTALA does not mandate medical treatments, “let alone abortion care” nor does it supersede state law.**

A similar case is pending in **Idaho**: The Biden administration sued the state nearly two years ago, saying officials must comply with EMTALA, despite the state’s near-total ban on abortions. The U.S. [9th Circuit Court of Appeals](#) is [scheduled](#) to hear the case on Jan. 23 to determine whether Idaho ER physicians are shielded from prosecution if they provide stabilizing abortion care. It’s unclear if that hearing will still occur, however, after lawyers for Idaho asked the [U.S. Supreme Court](#) to interpret the regulation and the issue of state compliance. The high court has not yet acted on the petition.

Child care, abortion top Wisconsin leaders’ legislative agendas

The leading Democratic and Republican lawmakers in Wisconsin's lower chamber plan to advance child care and anti-abortion policies, respectively, this session. Assembly Minority Leader Greta Neubauer, a Democrat, told the [Wisconsin Examiner](#) that her caucus will continue their commitment to improving child care in the state.

"We know that the child care industry will collapse if it does not receive support from the state Legislature and other governmental entities," Neubauer said. Last year, **Democratic Gov. Tony Evers announced that he would allocate \$170 million to extend support for child care providers until 2025.** Evers moved the money after Democrats failed to get Republicans to provide additional funding.

Wisconsin's GOP holds a majority in the legislature. **Assembly Majority Leader Robin Vos told Wisconsin Eye last month that his party will try to move an abortion resolution that would ask voters to ban abortion after 12 or 15 weeks of pregnancy.** Vos' idea requires the governor's support, who has already said he won't back the measure. Abortion is legal up to 20 weeks in the state.

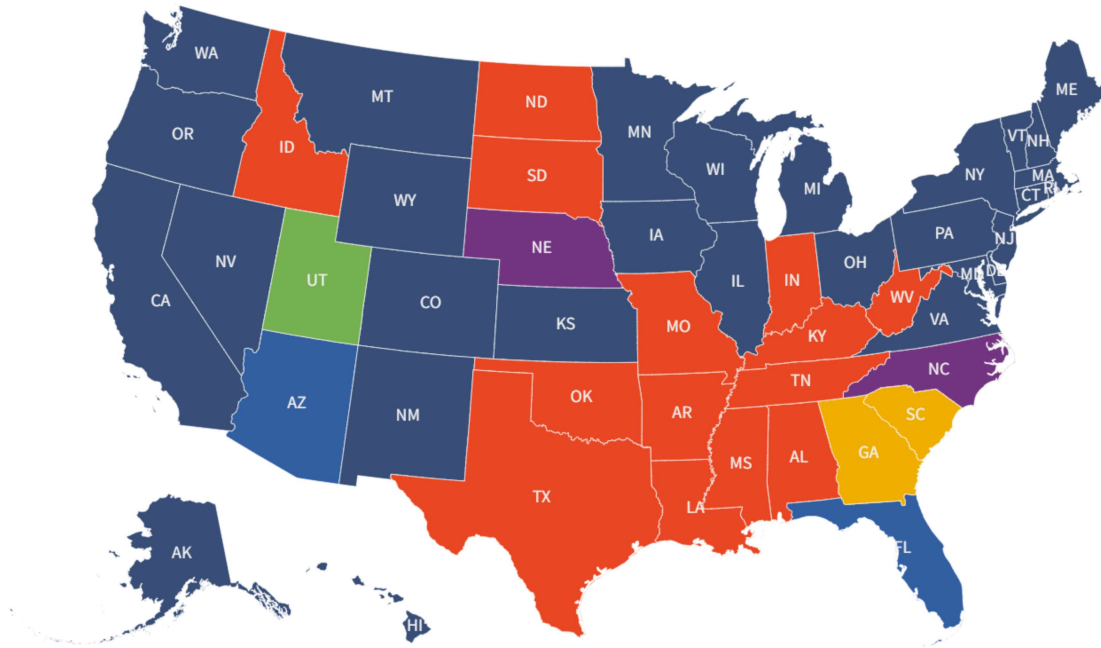
THE PULL *Commentary from Florida*

"Republicans likely thought the public would be cool with being treated like the citizens of Gilead in the Handmaid's Tale. They believed they could toss out laws, rewrite others and force those who don't share their religious fervor to bend to their onerous and oppressive dictates. They're discovering the error of their ways." — **Barrington Salmon**, contributor, [Florida Phoenix](#)

THE PULSE *Reproductive rights news across the country*

- Arizona and the Dominican Republic are both grappling with 19th century abortion laws. ([Arizona Mirror](#))
- Hawaii providers said access in the state would diminish if the U.S. Supreme Court reinstates medication abortion restrictions. ([Honolulu Civil Beat](#))
- The Texas Medical Board has yet to issue guidance on abortion laws despite requests from doctors and the state Supreme Court. ([Texas Tribune](#))
- Researchers found that Americans are stockpiling abortion pills. ([Guardian](#))

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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