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For Immediate Release

Louisiana Court Invalidates Regulations of Abortion Clinics

The Louisiana Department of Health Ignored Public Concerns When Pushing Regulations Forward

12.06.18 - (PRESS RELEASE) - Today, a district court in Baton Rouge invalidated *all* of Louisiana's current abortion clinic regulations, passed in 2015 by the Louisiana Department of Health. Judge Janice Clark of the 19th Judicial District Court in Baton Rouge held that the state's abortion clinic regulations are invalid because they were not properly promulgated by the department, as required by state law. These overbroad, burdensome regulations further threatened abortion accessibility in Louisiana, where only three abortion clinics remain to serve women in the entire state. This ruling not only protects women's access to reproductive health care, but is also a huge victory for transparency and government accountability. The court's decision recognizes and ensures the public a meaningful opportunity to participate in the state regulatory process.

The case challenged the Louisiana Department of Health's assertion that it complied with the Louisiana Administrative Procedure Act (LAPA), a law that requires that the public be given a meaningful opportunity to weigh in on rules and regulations promulgated by a state agency. In this case, the Louisiana Department of Health failed to consider or respond to thousands of public comments regarding the proposed abortion clinic regulations.

"Public comments that simply go ignored make a mockery of the process," said Ellie Schilling, Board President of Lift Louisiana and attorney representing a clinic in this case.

In 2015, the Louisiana Department of Health passed medically unnecessary regulations for abortion clinics that were fully intended to be overly burdensome for clinic operations. Not only did they fail to improve patient health and safety, but the new regulations also made it generally more difficult for clinics to stay open.

Attorneys working with Lift Louisiana filed a lawsuit in 2017 challenging these regulations and requesting that the court declare them invalid under state law. In September of this year, these attorneys filed a motion for summary judgment, with substantial supporting evidence, requesting that the court strike down these regulations as a matter of law, for failing to take the public's

comments into account or respond to the public's input, which are fundamental legal requirements when state agencies impose new regulations.

However, in promulgating these new abortion clinic regulations, the Louisiana Department of Health ignored evidence-based medical opinions and did not consider or respond to thousands of public comments and testimony regarding problems with the regulations. Therefore, the district court held that the Department had not substantially complied with state law when the agency promulgated the regulations, and thus, the current abortion clinic regulations are invalid and unenforceable.

The Louisiana Department of Health has an opportunity to appeal today's decision. Lift Louisiana would urge them to abandon their arguments, as the evidence is clear that they did not follow binding state law in promulgating the regulations, and the Department should, instead, focus on improving health outcomes for all Louisiana citizens.

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Lift Louisiana is a reproductive rights organization that educates, advocates and litigates for policies that improve the health and well-being of women, their families, and their communities. More at lifilouisiana.org