

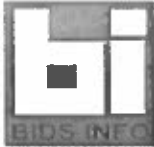


Oklahoma judge to let most of new abortion law take effect; plaintiffs consider appeal

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Body

An Oklahoma County judge said Wednesday he plans to let a new law take effect next month to restrict the use of certain abortion-inducing drugs, but is temporarily suspending any parts of the law that subject abortion providers to liability.

District Judge Robert Stuart ruled from the bench that portions of the plaintiff's request for a temporary injunction be granted for parts of the law that deal with physician liability.

It seems to me the impact of this on physicians and their patients is pretty heavy, Stuart said.

An attorney for the plaintiffs, a Tulsa medical clinic that provides abortions and an Oklahoma women's rights group said they would consider an appeal to the Oklahoma Supreme Court before the bill becomes law on Nov. 1.

We still sort of have to digest what the court has said here and consider all the options we have, said Autumn Katz, an attorney for the New York-based Center for Reproductive Rights.

The plaintiffs argue the new law is an unconstitutional violation of a woman's right to choose to end her pregnancy and would harm women's health and well-being.

Passed by the Republican-controlled Legislature and signed by Gov. Mary Fallin earlier this year, the bill would prohibit off-label uses of abortion-inducing drugs by requiring doctors to administer them only in accordance with U.S. Food and Drug Administration protocols.

Among the drugs covered is mifepristone, originally known as RU-486. In 2001, the FDA approved the use of mifepristone through the first seven weeks of pregnancy. It is prescribed along with a second drug, misoprostol.

Since FDA approval, medical researchers and clinical trials have shown that mifepristone is effective in much smaller doses and for two weeks longer in a pregnancy, and the off-label use has become common practice.

Katz said she's unaware of any physician in the United States who currently follows the FDA protocol.

Forcing patients to undergo a more invasive surgical abortion when a safer, more effective option is available ... is contrary to the practice of medicine, Katz said.

But attorneys for the state said they believe there is a serious health concern involving off-label uses of abortion drugs, citing 14 deaths in the U.S. related to the off-label regimen.

We have people who walk in perfectly healthy and are dead three days later, said Patrick Wyrick, Oklahoma's solicitor general.

A spokesman for Republican Attorney General Scott Pruitt called Stuart's ruling a victory for the health of Oklahomans. Dr. Dana Stone, an Oklahoma City obstetrician and gynecologist, said the practical effect of the judge's ruling likely will be a halt to most drug-induced abortions in the state.

I can't imagine they (abortion providers) are going to go against Oklahoma law and take the risks that go along with that, Stone said. They'd be requiring women to use an outdated protocol with more side effects.

The Oklahoma Legislature previously tried to limit the use of the drugs with a similar bill in 2011 that the Oklahoma Supreme Court declared unconstitutional, saying it effectively banned all drug-induced abortions in the state.

This year's bill specifically states that it does not ban the use of the drug misoprostol in chemical abortions, nor does it prevent the off-label use of drugs for the treatment of ectopic pregnancies in which a fertilized egg develops outside of a woman's womb.

Oklahoma is among five states — the others are Arizona, North Dakota, Ohio and Texas — that have sought to restrict medical abortions by limiting or banning off-label uses of drugs. 2014 Legal Monitor Worldwide.

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