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The Daily Oklahoman (Oklahoma City, OK)

April 20, 2012 Friday, City Edition

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Section: NEWS METRO/STATE; Pg. 10A

Length: 667 words

Byline: KEN MILLER, Associated Press

Body

Opponents of an Oklahoma law that would restrict the use of certain abortion-inducing drugs urged a judge Thursday to declare it unconstitutional, arguing that many women seeking abortions would have no choice but to undergo surgery.

The New York-based Center for Reproductive Rights and the Oklahoma Coalition for Reproductive Justice contends the law approved by the Legislature in 2011 violates the equal protection rights of patients and physicians.

They argue the law also is contrary to the state Constitution by delegating the Legislature's authority to the federal government.

"The fundamental problem here is that the act severely restricts the quality of care that can be offered to women seeking pregnancy terminations in the state of Oklahoma," [Michelle Movahed](#) ▾, attorney for the center, said after the hearing.

An attorney for the state, meanwhile, asked the judge to dismiss the lawsuit filed by Nova Health Systems on behalf of its Tulsa-based Center for Reproductive Rights and by the Oklahoma Coalition for Reproductive Justice.

Strict guidelines

The law requires doctors to follow the strict guidelines authorized by the U.S. Food and Drug Administration and prohibits off-label uses of the drugs - such as changing a recommended dosage or prescribing it for different symptoms than the drug was initially approved for. It also requires doctors to examine the women, document certain medical conditions and schedule follow-up appointments.

A temporary injunction issued in October has prevented the law from being enforced.

Taking choice away?

Center for Reproductive Rights attorney [Stephanie Toti](#) ▾ said there is one drug labeled for use to induce abortions, but that it must be used in conjunction with another drug, whose label does not include use in abortions, leaving surgery as the only option if the state law is upheld.

"It takes that choice (of a medical nonsurgical abortion) away from women and it prevents doctors from giving individualized care to their patients," Toti said.

After hearing the arguments, Judge [Donald Worthington](#) ▾ gave both sides five days to submit additional briefs and said he would issue a ruling after reading those briefs.

The hearing comes three weeks after another judge struck down a state law requiring women seeking abortions to have an ultrasound image placed in front of them.

Also Thursday, the House passed and sent to the governor a bill that requires doctors to offer women a chance to listen to a fetal heartbeat before performing an abortion.

Movahed argued that the law violates the equal protection rights of patients and physicians under the state Constitution and unconstitutionally delegates the Legislature's authority to regulate the practice of medicine in the state to the FDA.

She also contends it is an impermissible special law and violates a woman's right to abortion under the state Constitution.

"Oklahoma's Constitution does not include that right (to an abortion)," state Solicitor General Patrick Wyrick told the court.

"No Oklahoma woman is being prevented by this act from getting an abortion," he said. "It places reasonable requirements on how those abortions are provided."

Wyrick declined to comment following the hearing.

Good reason to act

"Sometimes healthy young women die" because of off-label use of drugs," Wyrick told the court. "That's a very good reason for the Legislature to act."

Movahed said women also die as a result of surgical abortions and during child birth.

"It (the law) gets in the way of the kind of care a physician provides based on medical research, scientific evidence and sound medical judgment," she said.

Martha Skeeters, with the nonprofit abortion-rights Oklahoma Coalition for Reproductive Justice, says the law would make life difficult for women in the state.

"In those very difficult circumstances when women decide to terminate a pregnancy, this (law) would have made their situation much less safe," Skeeters said.

Worthington did not indicate when he would issue a ruling.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: ABORTION (94%); US FEDERAL GOVERNMENT (90%); JUDGES (90%); LEGISLATIVE BODIES (89%); US STATE GOVERNMENT (89%); LAWYERS (89%); PHYSICIANS & SURGEONS (89%); DRUG & MEDICAL DEVICES APPROVAL (78%); APPROVALS (78%); DRUG INTERACTIONS & SIDE EFFECTS (78%); LEGISLATION (78%); DRUG LABELING (78%); PREGNANCY & CHILDBIRTH (78%); ABORTION LAWS (78%); FEMINISM & WOMEN'S RIGHTS (77%); SURGERY & TRANSPLANTATION (77%); DISEASES & DISORDERS (73%); SUITS & CLAIMS (73%); LITIGATION (73%); PRODUCT LABELING (71%); MEDICAL ULTRASOUND (68%)

Organization: CENTER FOR REPRODUCTIVE RIGHTS (84%); FOOD & DRUG ADMINISTRATION (55%)

Industry: LAWYERS (89%); PHYSICIANS & SURGEONS (89%); DRUG & MEDICAL DEVICES APPROVAL (78%); DRUG INTERACTIONS & SIDE EFFECTS (78%); DRUG LABELING (78%); OFF LABEL DRUG USE (78%); ABORTION LAWS (78%); PRODUCT LABELING (71%); MEDICAL ULTRASOUND (68%)

Geographic: TULSA, OK, USA (79%); OKLAHOMA, USA (95%); NEW YORK, USA (79%); UNITED STATES (79%)

Load-Date: April 23, 2012



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