

Whole Woman's Health v. Hellerstedt

The *Whole Woman's Health v. Hellerstedt* decision resulted in the biggest Supreme Court victory for abortion access in decades



In the landmark *Whole Woman's Health v. Hellerstedt* case on June 27, 2016, the U.S. Supreme Court ruled that two abortion restrictions in Texas are unconstitutional because they would shut down most clinics in the state and cause Texans an "undue burden" to access safe, legal abortion. The case exposed the lie that anti-abortion politicians have been peddling for years: that it's somehow "safer" when the state imposes medically unnecessary, onerous restrictions on health centers and clinicians that provide abortions. With this historic decision, the Supreme Court reaffirmed the constitutional right to access legal abortion.

The *Whole Woman's Health v. Hellerstedt* decision immediately struck down medically unnecessary restrictions in Texas that targeted abortion providers, requiring them to obtain often unattainable admitting privileges and adhere to prohibitively expensive building requirements (like down-to-the-inch dimensions for hallways and janitors' closets). Less than 24 hours after the ruling, efforts to enforce similar abortion restrictions in Alabama, Mississippi, and Wisconsin fell.

The Significance of *Whole Woman's Health v. Hellerstedt*

In Texas, the medically unnecessary mandates on admitting privileges and building requirements have been eliminated. That means the abortion providers left standing after Texas' anti-abortion law passed (about half of the approximately 40 providers that existed beforehand) were allowed stay open. The decision also made it possible for some of the health centers that Texas's HB2 shuttered to reopen. Overall, it was a win for abortion access in Texas.

Beyond Texas, efforts to enforce similar abortion restrictions in three other

(<https://www.washingtonpost.com/fix/wp/2016/06/27/how-many-states-could-see-their-abortion-restrictions-struck-down-after-the-supreme-courts-big->

states – Alabama, Mississippi, and Wisconsin rulings were thwarted less than 24 hours after the ruling.

The *Whole Woman’s Health v. Hellerstedt* ruling set a precedent that, at the time, was expected to strengthen constitutional protections for abortion access in the long-term.

It's a Win for Abortion Access in Texas, But We Still Have a Long Way to Go

The decision in *Whole Woman's Health* was a huge triumph for abortion access. However, the Texas law that the Supreme Court struck down in 2016 was nearly identical to a law at the center of a 2020 Louisiana case ([/blog/the-supreme-courts-next-abortion-case-could-upend-abortion-access-in-louisiana-and-test-whether-the-court-will-protect-our-rights](https://www.plannedparenthoodaction.org/blog/the-supreme-courts-next-abortion-case-could-upend-abortion-access-in-louisiana-and-test-whether-the-court-will-protect-our-rights)), which threatened to flout that precedent. Fortunately, on June 29, 2020 – in *June Medical Services v. Russo* (<https://www.plannedparenthoodaction.org/blog/supreme-court-reaffirms-constitutional-right-to-access-abortion-without-an-undue-burden>) – the Supreme Court struck down Louisiana's medically unnecessary law that would have made abortion virtually inaccessible in the state. It was another win for abortion access, but the fight isn't over.

Just consider these stats from the Guttmacher

(<https://www.guttmacher.org/state-trends-midyear> affecting reproductive health- and-rights-state-trends-midyear

Institute 2016)

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425 restrictions

on safe, legal, abortion

were introduced in the first 6 months of 2016 alone by state lawmakers.

334 restrictions

on safe, legal abortion

were passed from 2011 to July 2016 by state lawmakers.

But right now, in states across the country, far too many people still face insurmountable barriers to safe, legal health care. A person's right to make their own decisions about abortion shouldn't depend on who they are or where they live. It's time to pass state laws to protect the constitutional right to abortion, and repeal ones that block it.

57% of women

live in a state that is either hostile or extremely hostile to abortion rights.