

Mississippi  
Abortion Ban



Texas 6-Week  
Abortion Ban



Utah 18-Week  
Abortion Ban



# Abortion Lawsuit Flashcards

*Use these flashcards to keep track of the major abortion rights lawsuits pending in federal courts in Utah and across the nation.*

## Dobbs v. Jackson Women's Health Organization

Mississippi  
Abortion Ban



**Nickname:** Mississippi abortion ban

**Court:** U.S. Supreme Court (2021-22)

**Status:** Oral arguments on December 1, 2021

**ACLU Role:** Amicus brief (anticipated)

**Issue:** Reproductive Rights

In March 2018, a Mississippi law banning abortions after 15 weeks' gestation was blocked by a lawsuit before it went into effect. This December, after three years of court hearings and appeals, the challenge to the new Mississippi ban will be heard by the Supreme Court of the United States. Mississippi has directly challenged decades of Supreme Court precedent recognizing abortion as a constitutional right.

In granting certiorari to consider the case, the Court agreed to hear the single question, "Whether all pre-viability prohibitions on elective abortions are unconstitutional." The state of Mississippi has directly challenged the Court's decision in *Roe v. Wade* and several of its subsequent opinions. The outcome may have profound implications on abortion access in many states. In 2019, Utah's legislature passed an 18-week abortion ban that is currently blocked from taking effect by a federal court in a challenge brought forth by the ACLU of Utah and Planned Parenthood. That lawsuit is also on hold until *Dobbs* is decided.

Texas 6-Week  
Abortion Ban



## **Whole Woman's Health v. Jackson** **U.S. v. Texas**

**CASE  
Cards  
2021**

**Nickname:** Texas 6-week abortion ban

**Court:** U.S. Supreme Court

**Status:** Status: Oral arguments on November 1, 2021

**ACLU Role:** Lead counsel

**Issue:** Reproductive Rights

On Sept. 1, 2021, the U.S. Supreme Court allowed Texas' S.B. 8 to go into effect, banning abortions after six weeks of pregnancy to eliminate access to approximately 85 to 90 percent of abortions in Texas. This law does not affect abortions in any other state. The law continues to be challenged by reproductive rights groups, including the ACLU and ACLU of Texas, in federal court in *Whole Women's Health v. Jackson*.

The U.S. Department of Justice sued Texas to block the law, and on Oct. 6, a federal court granted a preliminary injunction stopping enforcement of the ban while the court case continues. On Oct. 8, just two days after the law was stopped, the Fifth Circuit Court of Appeals stayed the lower court's injunction and permitted the law to go back into effect.

Texas' abortion ban is cruel and has had devastating impacts forcing countless of Texans to flee the state in pursuit of essential medical care they may need. The structure of the Texas abortion ban is unique in that it transfers enforcement powers from the state to any private person, allowing any person including complete strangers to sue anyone they suspect of helping someone access an abortion. If successful, these would-be plaintiffs are also entitled to collect a \$10,000 bounty and costs of an attorney. This law could be copied by legislators in other states, including Utah.

Utah 18-Week  
Abortion Ban



## **Planned Parenthood v. Miner**

**Nickname:** Utah 18-week abortion bam

**Court:** Federal District Court – Utah

**Status:** On hold awaiting Dobbs (MS) decision

**ACLU Role:** Lead counsel

**Issue:** Reproductive Rights

Soon after the Utah Legislature passed H.B. 136 in 2019 to ban abortions after 18 weeks, a federal court granted our request for a preliminary injunction to stop enforcement of the law pending a final decision of the lawsuit. As a result, abortion remains safe, legal, and available in Utah. This lawsuit is currently on hold while the courts await the outcome of the *Dobbs* decision at the Supreme Court which could come down in early Summer 2022.

For almost 50 years, the Supreme Court has reaffirmed the principle that states may not ban abortion prior to viability, most recently in *Whole Woman's Health v. Hellerstedt* in 2016.

There is also precedent in Utah to overturn abortion bans. In 1991, the Utah Legislature passed a law that banned nearly all abortions in the state. Like now, the ACLU of Utah, Planned Parenthood Federation of America, and the Center for Reproductive Law & Policy sued then-Governor Norman Bangerter. Federal courts held that the 1991 law violated a woman's right to decide to end a pregnancy, and the law never took effect. The long battle over Utah's 1991 anti-abortion law finally ended in 1997 when the Supreme Court refused to hear the case, thus upholding a 10th Circuit Court of Appeals ruling that deemed the law unconstitutional.