Abortion Access in Jeopardy:
*June Medical Services v. Gee*

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Abortion access in the nation is yet again under severe threat as the Supreme Court considers a challenge to a Louisiana admitting privileges law known as Act 620.¹ Act 620 requires physicians who provide abortion to maintain admitting privileges with a hospital within 30 miles of their office or clinic.² Admitting privileges essentially treat doctors as a staff member of the hospital where they hold privileges, meaning they can admit patients as they see fit. Requiring abortion providers to have admitting privileges is a medically unnecessary measure that interferes with a person’s ability to access care. Act 620 is identical to the law that was struck down three years ago in the Supreme Court case *Whole Woman’s Health v. Hellerstedt*. In that case, the Court declared a Texas law requiring physicians who perform abortion to have admitting privileges unconstitutional because it was medically unnecessary and it imposed an undue burden on women seeking abortion care.³

**Current status of June Medical Services v. Gee**

The Center for Reproductive Rights, on behalf of abortion providers in the state of Louisiana, is leading the challenge against Act 620. As decided by the lower court, Act 620 violates the constitutional rights of women in Louisiana because the law imposes significant burdens on abortion access without providing any benefit to women’s health or safety.⁴ However, the Fifth Circuit overturned this ruling and declared Act 620 constitutional, openly defying the Supreme Court’s decision in *Whole Woman’s Health*.⁵ Today, the Supreme Court granted cert, meaning the Court will hold oral arguments on the case in the next few months.

**Why are admitting privileges a barrier for abortion access?**

Requiring admitting privileges does not make patients safer. Instead, it reduces access and creates barriers because:

- Admitting privileges are difficult or impossible for abortion providers to secure for reasons that have nothing to do with a provider’s skills.⁶
Some hospitals only grant admitting privileges to physicians who accept faculty appointments.  

Some hospitals require physicians to admit a certain number of patients per year before granting admitting privileges, but because abortion is such a safe procedure, abortion providers are unlikely to admit a sufficient number of patients. 

Some hospitals only grant privileges to physicians who live within a certain radius of the hospital. 

Hospitals that adhere to religious directives that run counter to established medical standards may refuse to grant privileges to abortion providers.

What happens if Act 620 is ruled constitutional?

This case is a straightforward opportunity for the Supreme Court to apply its precedent in Whole Woman’s Health v. Hellerstedt. If the Supreme Court fails to apply the same analysis to this identical law, the already limited availability of abortion access in Louisiana will get much worse. Currently, only three clinics in the state provide abortion services. If Act 620 stands, it will reduce the number of open clinics and physicians to only one — making it almost impossible for Louisianans and people in surrounding states to access the care they need. This law would cause the most harm to women of color, rural women and women with low incomes, as many already have to travel long distances to access care. Reducing the number of clinics would mean they must travel even further — and could completely prevent access for some since accessing abortion care can involve securing child care, taking time off from work and coming up with money for transportation. If the Supreme Court fails to apply precedent, this law will inevitably result in more states passing similar admitting privileges laws and other burdensome regulations that will consequently make it more difficult for people across the country to access abortion care.

Admitting privileges requirements inhibit the fundamental right to abortion services. Louisiana’s Act 620 is unconstitutional and identical to the law struck down in Whole Woman’s Health, and should not stand.

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