

Judge throws out Oklahoma morning-after pill law

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OKLAHOMA CITY — An Oklahoma County judge Thursday ruled the state's law that makes it harder for women to obtain the morning-after pill is unconstitutional and prohibited its enforcement.

District Judge Lisa Davis ruled in favor of the New York-based Center for Reproductive Rights, which filed a lawsuit last year on behalf of the Oklahoma Coalition for Reproductive Justice and Jo Ann Mangili of Mounds, the mother of a 15-year-old girl.

The law requires women 17 and older to have a prescription and show identification in order to obtain the Plan B One-Step pill and generic emergency contraceptives. It was signed by Gov. Mary Fallin last May in advance of the federal government approving unrestricted over-the-counter sales for emergency contraceptives a month later.

Davis had temporarily blocked the law's enforcement in August; it never went into effect.

In handing down her ruling Thursday, Davis said she agreed with attorneys for the reproductive rights group that the law's two sections, one involving the morning-after pill and the other involving health insurance benefit forms, were not germane and violated the single-subject rule of the state Constitution.

Solicitor General Patrick Wyrick declined comment following the ruling.

Opponents of the law had attacked it as the only such law targeting emergency contraception in the nation.

"The judge's ruling today is a win for women," Oklahoma Coalition for Reproductive Justice director Martha Skeeters said. "It protects Oklahomans from unintended pregnancies. And it protects Oklahomans from a unique law."

The emergency contraceptive is designed to impede pregnancy by preventing ovulation or fertilization and is not capable of terminating an existing pregnancy. It is generally not effective more than 72 hours after sex.

The law's author, Rep. Colby Schwartz, R-Yukon, said it was passed in response to the government's decision to allow unrestricted access to the pill, which he said was an overreach of authority. Schwartz also said the law was intended to maintain the status quo in Oklahoma.

But an attorney for the Center for Reproductive Rights, David Brown, argued that at least six other state laws have been invalidated since 2008 for not being germane.

"If the sections don't pass the germaneness test, the laws is unconstitutional," Brown said. "It deals with two unrelated subjects."

The lawsuit was the center's latest challenge to legislation adopted by the Republican-controlled Oklahoma Legislature dealing with women's reproductive health — including anti-abortion measures.

In December 2012, the Oklahoma Supreme Court struck down laws that required women seeking abortions to see an ultrasound image while hearing a description of the fetus and banned off-label use of certain abortion-inducing drugs.

The U.S. Supreme Court dismissed an appeal filed by Attorney General Scott Pruitt after the state Supreme Court certified that Oklahoma's law not only limited drug-induced abortions, but also effectively banned them altogether.

Read more here: <http://www.tri-cityherald.com/2014/01/23/2789569/judge-throws-out-oklahoma-morning.html#storylink=cpy>