HEALTHCARE & MEDICAL CONCERNS

PLAINS SCFTU ORDINANCE
ON MEDICAL EMERGENCIES

The Plains Sanctuary City for the Unborn (SCFTU) Ordinance states, in the second declaration, “abortion at all times and at all stages of pregnancy is an unlawful act, unless the abortion is performed to save the life of the pregnant woman in a medical emergency.” The term “Medical emergency” is defined in the ordinance to mean “a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.” The ordinance states, time and time again, that it does not prohibit “abortions performed or induced in response to a medical emergency, or any conduct that aids or abets or attempts to aid or abet such abortions" and is also clear that it does not prohibit “conduct taken by a licensed medical professional that is necessary to perform, induce, or facilitate an abortion in response to a medical emergency, or to ensure that the licensed medical professional is prepared to perform, induce, or facilitate an abortion in response to a medical emergency, so long as that conduct is not in any way intended to facilitate an elective abortion.”

THE SUPREME COURT OF TEXAS
ON MEDICAL EMERGENCIES

On May 31, 2024, the Supreme Court of Texas ruled in ***Zurawski v. State of Texas***, a case which claimed that language in Texas abortion laws allowing for abortions in cases of the life of the mother was not adequate to protect women’s health. The case was brought by several women who claimed that Texas laws against abortion risked their lives. Among these women were: Amanda Zurawski, Lauren Miller, and Austin Dennard, D.O. The defendants in the case included: The State of Texas, Attorney General Ken Paxton, and the Texas Medical Board.
The Supreme Court of Texas ruled against Zurawski and in favor of the State of Texas. Justice Bland’s opinion of the court, in part, reads:

> *Texas law permits a life-saving abortion. A physician cannot be fined or disciplined for performing an abortion when the physician, exercising reasonable medical judgment, concludes (1) a pregnant woman has a life-threatening physical condition, and (2) that condition poses a risk of death or serious physical impairment unless an abortion is performed. After the United States Supreme Court overturned Roe v. Wade, current Texas law otherwise generally prohibits performing an abortion. Under the Human Life Protection Act, a woman with a life-threatening physical condition and her physician have the legal authority to proceed with an abortion to save the woman’s life or major bodily function, in the exercise of reasonable medical judgment and with the woman’s informed consent. As our Court recently held, the law does not require that a woman’s death be imminent or that she first suffer physical impairment. Rather, Texas law permits a physician to address the risk that a life-threatening condition poses before a woman suffers the consequences of that risk.*
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> *A physician who tells a patient, “Your life is threatened by a complication that has arisen during your pregnancy, and you may die, or there is a serious risk you will suffer substantial physical impairment unless an abortion is performed,” and in the same breath states “but the law won’t allow me to provide an abortion in these circumstances” is simply wrong in that legal assessment.*
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> *Given this construction, we conclude that Dr. Karsan has not demonstrated that the part of the Human Life Protection Act that permits life-saving abortion is narrower than the Texas Constitution allows. Because the trial court’s injunction departed from the law without constitutional justification, we vacate its order.*

Two of the plaintiffs in the case, Amanda Zurawski and Lauren Miller, submitted testimony in opposition to the proposed Amarillo SCFTU Ordinance before the Amarillo City Council in 2024. Despite the Texas Supreme Court’s clear ruling, many pro-abortion individuals and organizations have gained a reputation of ignoring reality as they continue to spread misinformation about Texas abortion laws, SCFTU Ordinances, and the topic of abortions and medical emergencies.

PLAINS SCFTU ORDINANCE
KEY DEFINITION: MEDICAL EMERGENCY

Medical emergency is defined in the ordinance to mean “a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.”