



Burns v. Cline, Oklahoma Commissioner of Health

2016 OK 99

Country: United States

Region: Americas

Year: 2016

Court: The Supreme Court of the State of Oklahoma

Health Topics: Health care and health services, Health information, Hospitals, Sexual and reproductive health

Human Rights: Freedom from discrimination, Right to bodily integrity, Right to privacy

Facts

The plaintiffs challenges several sections under the Oklahoma Code stating that it imposed unreasonable restrictions on abortion providers and therefore was in violation of the Oklahoma constitution. Amongst the measure the plaintiffs challenged, one of the sections allowed warrantless searches of abortion clinics. Other sections imposed strict requirements such as preserving tissue in case the person seeking abortion is under the age of 14. Any violation of the new requirement could lead to the closure of the abortion facilities.

Decision and Reasoning

The Court held that the provisions of the new code lacked a common purpose and were not related to each other. It further held that the said provisions were constitutional as it placed an undue burden on access to abortion services. It further gave wide powers to the authority to cancel licenses of abortion service providers.

Decision Excerpts

“Most troubling are Sections 3 and 4 of SB 642. Section 3 adds a new section of law to be codified at 63 O.S. Â§ 1-749.1, granting sweeping authority to the State Board of Health to promulgate policies and procedures for conducting licensure and re-licensure inspections of abortion facilities. Section 3 further grants the State.” (Para 7)

“We find that each of the four sections of SB 642, lack a common purpose and are not germane, relative and cognate. Although each section relates in some way to abortion, the broad sweep of each section does not cure the single subject defects in this bill. Although defendants urge that SB 642 does not constitute logrolling, we find the provisions are so unrelated that those voting on this bill were faced with a constitutionally prohibited all-or-nothing choice to ensure the passage of favorable legislation.” (Para 18)

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