



Simopoulos v. Virginia

462 U.S. 506 (1983)

Country: United States

Region: Americas

Year: 1981

Court: Supreme Court

Health Topics: Child and adolescent health, Health care and health services, Hospitals, Sexual and reproductive health

Human Rights: Right to due process/fair trial, Right to privacy

Facts

The Appellant, an obstetrician gynaecologist, brought suit challenging the constitutionality of a Virginia statute, which required second-trimester abortions to be performed in a licensed hospital. The Appellant instituted these proceedings after he was indicted for unlawfully performing an abortion during the second trimester of a pregnancy outside of a licensed hospital.

The Appellant performed an abortion on a 17 year-old patient who was 5 months pregnant at his clinic using a saline injection. After administering the injection, the Appellant gave the patient a "Post Injection Information" sheet, which instructed her to go to a hospital when labor began. Instead the patient aborted the fetus in a motel bathroom 48 hours after the saline injection. Police found the fetus and began investigations.

The Supreme Court of Virginia unanimously affirmed the conviction; an appeal to the Supreme Court followed.

Decision and Reasoning

The Court upheld the requirement that second-trimester abortions to be performed in a licensed hospital as constitutionally valid. The Court held that the requirement was not an unreasonable means of furthering the State's compelling interest in "protecting the woman's own health and safety." Applying *Roe v. Wade*, 410 U.S. 113 (1973) it emphasized that the State has "a legitimate interest in seeing to it that abortion, like any other medical procedure, [was] performed under circumstances that [ensured] maximum safety for the patient."

The Court further explained that Virginia's requirement that second-trimester abortions be performed in licensed clinics appeared to adhere to accepted medical practices and left the decision as to the method and timing of the abortion with the physician and patient. The Court added that, given the plain language of the statute and the history of its implementation, an adequately equipped clinic wanting to perform second-trimester abortions could readily obtain the requisite outpatient hospital license.

The Court discussed the mandatory hospitalization requirements for second-trimester abortions held to be unconstitutional in *City of Akron v. Akron*, 462 U.S. 416 (1983) and *Planned Parenthood v. Ashcroft*, 462 U.S. 476 (1983), and concluded that the Virginia hospitalization requirement differed significantly "as it did not require that the patient be hospitalized as an inpatient or that the abortion be performed in a full-service, acute-care hospital."

Decision Excerpts

"In view of its interest in protecting the health of its citizens, the State necessarily has considerable discretion in determining standards for the licensing of medical facilities. Although its discretion does not permit it to adopt abortion regulations that depart from accepted medical practice, it does have a legitimate interest in regulating second-trimester abortions and setting forth the standards for facilities in which such abortions are performed." 462 U.S., pp. 516-17.

"Given the plain language of the Virginia regulations and the history of their adoption, . . . we see no reason to doubt that an adequately equipped clinic could, upon proper application, obtain an outpatient hospital license permitting the performance of second-trimester abortions. We conclude that Virginia's requirement that second-trimester abortions be performed in licensed clinics is not an unreasonable means of furthering the

State's compelling interest in "protecting the woman's own health and safety." 462 U.S., pp. 518-19.

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