

BREAKING: Patients Sue Indiana Over Requirement Forcing Burial or Cremation of Embryonic, Fetal Tissue

Requirement forces abortion, miscarriage patients to adopt state's view of personhood before receiving medical care; violates freedom of religion

12.21.20 – (PRESS RELEASE) Three patients joined their health care providers today in challenging Indiana's requirement forcing miscarriage and abortion patients to adopt the state's view of personhood to receive medical care.

Specifically, the restrictions force health care providers to dispose of embryonic and fetal tissue from miscarriage and abortion patients like they would a deceased person -- either through interment or cremation.

Under the requirement, patients are forced to engage in rituals that are associated with the death of a person, regardless of their beliefs or wishes. By dictating an official set of beliefs about a complex issue that involves the most profound aspects of religion, culture, and ideology, Indiana violates not only the right to abortion, but also the right to free expression and the separation of church and state.

The law imposes the harshest burdens on abortion patients, and it also affects miscarriage patients. The law does not impose any burdens on IVF patients, though, reflecting the State's subjective beliefs about when personhood begins.

“Indianans seeking miscarriage or abortion care should not have to sacrifice their First Amendment rights to receive treatment,” said Stephanie Toti, Senior Counsel and Project Director at the Lawyering Project.

“We are proud to represent a bold group of patients who were forced to endure this stigmatizing and demeaning requirement and are now demanding a vindication of their constitutional rights.”

Indianans already face myriad obstacles when they need to access abortion care. Abortion clinics are banned from providing abortion care after the first trimester of pregnancy, making such care effectively unavailable throughout the State. Additionally, Hoosiers are subject to a host of restrictions when they need to access abortion care, including a mandatory delay of at least 18 hours and biased “counseling” that promotes State-mandated propaganda rather than accurate medical information. A coalition of abortion providers and patient advocates represented by the Lawyering Project is currently [challenging](#) many of these restrictions in a separate litigation.

Five other states have enacted laws requiring the burial or cremation of tissue resulting from an abortion; the Lawyering Project represents plaintiffs challenging similar restrictions in [Minnesota](#) and [Texas](#); the Texas requirements are currently blocked from taking effect.

Plaintiffs in today's challenge include the three patients; Women's Med Group Professional Corporation, an Indianapolis abortion clinic; and three practitioners who provide care there. They are represented by the Lawyering Project, Priscilla Smith of the Yale Law School Reproductive Rights and Justice Project; Kathrine D. Jack; and Michelle Engel.

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