

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**WHOLE WOMAN'S HEALTH,
WHOLE WOMAN'S HEALTH
ALLIANCE, DR. BHAVIK KUMAR,
BROOKSIDE WOMEN'S MEDICAL
CENTER PA d/b/a BROOKSIDE
WOMEN'S HEALTH CENTER, DR.
LENDOL L. DAVIS, and ALAMO CITY
SURGERY CENTER PLLC d/b/a
ALAMO WOMEN'S REPRODUCTIVE
SERVICES,**

Plaintiffs,

**CAUSE NO.:
A-16-CV-01300-DAE**

-vs-

**CHARLES SMITH, Executive
Commissioner of the Texas Health and
Human Services Commission, in his
official capacity,**

Defendant.

**MEMORANDUM OPINION INCORPORATING FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Before the Court is the above-styled and numbered action. Plaintiffs, women's healthcare providers in Texas,¹ bring this action against Defendant Charles Smith, in his official capacity as the Executive Commissioner of the Texas Health and Human Services Commission, challenging the constitutionality of Texas laws concerning the disposal of embryonic and fetal tissue remains. In particular, Plaintiffs challenge certain provisions of Chapter 697 of the Texas Health and Safety Code (§§ 697.001-.004, 697.007-.009) as well as associated implementing rules (25 Texas Administrative Code §§ 138.1-.7) (collectively, the challenged laws). On July 16, 2018, the Court began a bench trial in this case that concluded on July 20, 2018. After careful consideration of the trial testimony and its credibility, the exhibits, arguments by counsel, post-

¹ Plaintiffs Whole Woman's Health, Whole Woman's Health Alliance, Dr. Bhavik Kumar, Brookside Women's Medical Center PA, Dr. Lendol L. Davis, and Alamo City Surgery Center PLLC bring this action on behalf of themselves and their patients (collectively, Plaintiffs).

