

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WHOLE WOMAN'S HEALTH ALLIANCE,)
ALL-OPTIONS, INC.,)
JEFFREY GLAZER M.D.,)

Plaintiffs,)

v.)

No. 1:18-cv-01904-SEB-MJD

TODD ROKITA Attorney General of the State)
of Indiana, in his official capacity,)
KRISTINA BOX Commissioner of the Indiana)
State Department of Health, in her official)
capacity,)

JOHN STROBEL M.D., President of the)
Indiana Medical Licensing Board of Indiana,)
in his official capacity,)

KENNETH P. COTTER St. Joseph County)
Prosecutor, in his official capacity and as)
representative of a class of all Indiana)
prosecuting attorneys with authority to)
prosecute felony and misdemeanor offenses,)

Defendants.)

PERMANENT INJUNCTION

The Court orders as follows:

Defendants and their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them or under their direction or control are hereby PERMANENTLY ENJOINED from implementing, enforcing, administering, invoking, or giving any effect to the following statutory and regulatory provisions:

- Ind. Code § 16-34-2-1(a)(1) to the extent this statute limits the provision of first-trimester medication abortion care to physicians; requires a physical examination

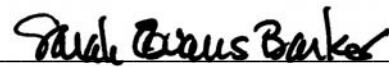
to be performed on a woman prior to receiving an abortion; and prohibits the use of telemedicine by requiring the prescriber to be physically present at the abortion facility in order to dispense the abortion-inducing drug and the patient to ingest the drug in the physical presence of prescriber;

- Ind. Code § 16-34-2-1(a)(2) providing that second-trimester abortions be performed only in hospitals or ambulatory surgical centers;
- Ind. Code § 16-34-2-1.1(a)(1), (a)(4), (b)(1) to the extent these provisions prohibit providers from using telemedicine or telehealth to obtain informed consent from patients or to conduct preabortion counseling sessions;
- Ind. Code § 25-1-9.5-8(a)(4) prohibiting the use of telemedicine in abortion care;
- 410 Ind. Admin. Code § 26-17-2(d)(1)(A), (4), (e)(5) requiring clinics providing aspiration abortions to maintain 120-square-foot procedure rooms, scrub facilities, and 44-inch corridors;
- 410 Ind. Admin. Code § 26.5-17-2(e)(1) requiring medication abortion clinics to maintain housekeeping rooms with storage sinks;
- Ind. Code § 16-34-2-1.1(a)(1)(E) and (a)(1)(G) requiring women seeking abortion services to be informed that "objective scientific information shows that a fetus can feel pain at or before twenty (20) weeks of postfertilization age" and that "human physical life begins when a human ovum is fertilized by a human sperm";
and

- Ind. Code § 16-34-2-1.1(b)(2) to the extent it requires dissemination of a Perinatal Hospice Brochure containing the following: "Studies show that mothers who choose to carry their baby [sic] to term recover to baseline mental health more quickly than those who aborted due to fetal anomaly."

IT IS SO ORDERED.

Date: 8/10/2021



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution to counsel of record via CM/ECF