

## SCOTUS Opinion: Court Upholds Law Regarding Disposal Of Aborted Fetus Remains

28 May 2019

Indiana passed a law preventing abortion providers from treating aborted fetuses as waste that could be incinerated with surgical byproducts, and also barred abortion providers from conducting abortions when the mother's reason for aborting was sex, race, or disability selective. The Seventh Circuit invalidated both provisions, holding that the first was not rationally related to a legitimate government interest, and the latter violated the right to terminate prior to viability. In [Box v. Planned Parenthood of Indiana and Kentucky, Inc.](#), the Court issued a short *per curiam* decision reversing the Seventh Circuit on the disposal issue, since the states had an established legitimate interest in the disposition of fetal remains that the law rationally pursued. The Court declined to review the second aspect of the law, since no other Circuit had yet reviewed the issue. Justice Sotomayor indicated that she would have denied certiorari on both issues. Justice Thomas filed a concurrence, agreeing in the result, but prefacing future consideration by arguing that the anti-discrimination law promotes "a State's compelling interest in preventing abortion from becoming a tool of modern-day eugenics." Justice Ginsburg concurred as to the discrimination statute, but dissenting on the disposal law, arguing that the Court should not have reviewed the case because the litigants chose to address it under the rational basis standard of review instead of undue influence. A link to the opinion is [here](#).

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**TAGGED:** scotus, Abortion, SCOTUS opinons, Box v. Planned Parenthood of Indiana and Kentucky Inc., rational basis, undue influence