

IN THE SUPREME COURT OF IOWA

No. 17-0708

Polk County No. EQCE081503

ORDER

PLANNED PARENTHOOD OF THE HEARTLAND
and **JILL MEADOWS**,
Petitioners-Appellants,

vs.

TERRY BRANSTAD ex. rel. **STATE OF IOWA**
and **IOWA BOARD OF MEDICINE**,
Respondents-Appellees.

This matter comes before the court, en banc, upon an application for interlocutory appeal and review of a single-justice order granting an emergency motion for temporary injunction.

Petitioners filed an application for interlocutory appeal from an order by the district court denying a motion for an injunction to stay the enforcement of provisions of section 1 of Senate File 471, which amends Iowa Code section 146A.1 and was passed by the General Assembly on April 18, 2017, and signed into law by the Governor on May 5, 2017. The petitioners had sought a temporary injunction in district court pending a hearing on their request for a permanent injunction.

The section of the new law in dispute identifies various prerequisites a physician must certify have been met at least 72 hours prior to performing an abortion. Among other requirements relating to an opportunity to view ultrasound imaging and listen to the

heartbeat, a woman seeking an abortion must be provided a variety of information based on materials developed by the Department of Public Health. A single-justice order was entered on May 5, 2017, staying enforcement of the law until the State had an opportunity to respond to the application and motion and the matter could be fully considered by the court.

The court now grants the application for interlocutory appeal for the limited purpose of entering a temporary injunction to stay enforcement of the disputed provisions of the new law pending a final hearing on the injunctive relief sought in the district court. The State has failed to rebut the assertion by the petitioners that the materials that serve as the foundation information required to be provided to women seeking an abortion have not yet been developed by the Department of Public Health pursuant to the law. The court declines to review the matter on appeal for this reason and because the parties have not had a full and fair opportunity to develop a complete record in the district court and to develop all underlying arguments. Finally, the brevity of a continued temporary injunction serves to balance the interests involved.

Accordingly, we remand the case to the district court to proceed to a final hearing on the application for injunctive relief within 30 days from this date. The parties may stipulate to extend the time for the hearing with the approval of the district court. Pending the final hearing, the temporary injunction entered on May 5, 2017, by this court shall remain in effect until ten days after the district court has entered an order on the final hearing.

The Iowa Coalition Against Domestic Violence, et al.'s motion to file an amicus brief and any motions for pro hac vice admission are denied as moot.

IT IS SO ORDERED.

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IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
17-0708

Case Title
Planned Parenthood v. Branstad

So Ordered

A handwritten signature in black ink that reads "Mark S. Cady". The signature is written in a cursive style.

Mark S. Cady, Chief Justice

Electronically signed on 2017-05-09 15:06:54