

[*Oklahoma Call for Reproductive Justice v. Drummond*](#), 526 P.3d 1123 (Okla. 2023) (holding that the Oklahoma Constitution’s inherent rights and due process clauses protect a right to abortion to preserve life, without addressing whether the right extends more broadly).

Summary of opinion:

The Oklahoma Supreme Court held that the state constitution’s inherent rights and due process clauses protect a right to abortion to preserve life defined broadly, which includes “if at any point in the pregnancy, the woman’s physician has determined to a reasonable degree of medical certainty or probability that the continuation of the pregnancy will endanger the woman’s life due to the pregnancy itself or due to a medical condition that the woman is either currently suffering from or likely to suffer from during the pregnancy.” *Id.* at 1130. The court applied strict scrutiny to uphold the state’s pre-*Roe* ban with an adequate exception, while striking down a 2021 criminal abortion ban given that its medical exception required life to be in “actual and present danger.” *Id.* at 1131.

The court subsequently struck down two additional restrictions with inadequate medical exceptions. [*Oklahoma Call for Reproductive Justice v. State*](#), 531 P.3d 117 (Okla. 2023). It later applied its recognition of a right to life-preserving abortion in *Drummond* to temporarily block three other restrictions – a requirement for doctors prescribing medication abortion to have hospital admitting privileges, a limitation that doctors providing abortions must be board-certified OB/GYNs, and a 72 hour waiting period and ultrasound mandate. [*Oklahoma Call for Reproductive Justice v. Drummond*](#), No. 2023 OK 111, 2023 WL 7511720 (Okla. Nov. 14, 2023). The court reasoned that each law unnecessarily burdened the right to abortion under the state constitution since they would “increase the risk of harm to the woman and limit her access to necessary and timely healthcare to preserve her life.” *Id.*

Source of the summaries: [State Constitutions and Abortion Rights](#) (Center for Reproductive Rights)