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FEATURED

Planned Parenthood sues over 'trigger' abortion ban

Organization contends Idaho law violates state constitutional rights and is too vague for physicians to know when they can legally provide care for patients in emergencies

By Rebecca Boone Associated Press

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BOISE — A regional Planned Parenthood organization is suing Idaho over its “trigger law” abortion ban, contending the ban violates Idaho residents’ rights under the state Constitution and that it is so vague that physicians will not know when they can legally help patients who are miscarrying or facing medical emergencies.

Dr. Caitlin Gustafson, an abortion provider, joined with Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky in the lawsuit filed in the Idaho Supreme Court on Monday. The Planned Parenthood organization operates two reproductive health care clinics in Idaho and is in the process of opening another just over the state line in Ontario, Ore.

“It is abhorrent that we have now entered an era where the delivery of safe essential health care will be criminalized,” Gustafson said in a news release. “Physicians take an oath to provide the care patients need to keep them safe, so we cannot stand by while the government intrudes on this deeply personal and complex medical decision.”

The Idaho law, passed in 2020, makes it a felony punishable by up to five years in prison for anyone to perform or attempt to perform an abortion. The law says health care providers can attempt to defend themselves against criminal charges by saying that the abortion was necessary to prevent the death of the pregnant person, or that the pregnant person showed them a police report alleging rape or incest. The law also requires physicians to use the medical method that provides the “best opportunity for the unborn child to survive.”

Specifically, Idaho’s trigger law requires a judgement from the U.S. Supreme Court, which follows the court’s Friday opinion and allows time to allow requests for a potential rehearing. It’s not clear when the court will issue its judgement, but it’s expected fairly soon, starting the clock on Idaho’s trigger law.

Planned Parenthood is asking the state’s highest court to put the case on a fast track so that it can hear arguments and issue a decision before mid-August.

The Idaho Attorney General’s Office did not immediately respond to a request for comment. Idaho Attorney General Lawrence Wasden generally declines to comment on pending litigation.

Earlier this year Planned Parenthood and Gustafson filed a separate lawsuit over another Idaho anti-abortion law that allows potential relatives of the fetus or embryo to sue medical providers who perform an abortion. That law is on hold while the lawsuit works through the Idaho Supreme Court, and a hearing in the case is scheduled for August.