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Idaho House and Senate Members Comment on the Injunction of the Idaho Abortion Ban

IDAHO STATE CAPITOL — Idaho Democratic lawmakers are relieved the federal court has enjoined the 2020 abortion ban for its clear violation of the Emergency Medical Treatment and Labor Act (EMTALA). Now Democratic lawmakers call on the Attorney General (AG) and the GOP-controlled legislature to end their opposition to the Department of Justice's lawsuit to block this cruel, poorly written law.

"This law should never have been passed in the first place," said House Minority Leader Ilana Rubel. "It is an outrage that GOP legislators voted to deny a woman an abortion even where continuing the pregnancy will cause her paralysis, serious organ damage, lifelong infertility or amputation."

Rubel continued, "Maybe they thought Roe would prevent it from ever taking legal effect, but in the wake of the Dobbs decision, the monster they created is coming to life and jeopardizing the lives of Idaho women. It is time for the AG, Speaker Bedke and Pro Tem Winder to stop burning taxpayer dollars on groundless legal appeals that will succeed only in telling Idaho women they are second-class citizens."

Because EMTALA requires public access to emergency services, the Idaho abortion ban which seeks to imprison doctors for providing necessary emergency abortions to protect a woman's health clearly conflicts with federal law and violates the Supremacy Clause of the U.S. Constitution.

"The two laws are incompatible," Sen. Melissa Wintrow said. "The moment a doctor has to contact a lawyer to ask if she can give a patient life-saving care without criminal liability, EMTALA has been violated along with our sense of decency."

During the August 22 hearing in the U.S. District Court in Boise, the state and legislature's lawyers had such difficulty articulating a coherent argument in favor of the abortion ban that observers, Democratic lawmakers and media outlets suspected Judge B. Lynn Winmill would stay the law.

"The violation of federal law is clear," Rubel said. "It's time to stop squandering taxpayer money on not one but two sets of attorneys in this bizarre effort to force women into enduring potentially catastrophic health consequences."

Wintrow added, “Idaho lawmakers need to stay out of our private business, quit violating our private lives, end the government mandates and focus on what the government is supposed to do: property tax relief, housing shortages, education funding.”

Democratic lawmakers believe it is time for the AG and the legislature to move on and work on issues that help, not hurt, Idahoans’ access to health care, including access to abortion care.

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