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NEWS FOR IMMEDIATE RELEASE

March 29, 2024

Attorney General Kaul Joins a Coalition Taking Action Against Idaho's Draconian Abortion Ban

MADISON, Wis. – Attorney General Josh Kaul and Gov. Tony Evers joined a coalition of 24 attorneys general today backing the Biden administration's challenge to Idaho's near-total ban on abortion. In an amicus brief filed in *United States of America v. Idaho*, the multistate coalition supported the U.S. government's argument that the ban conflicts with the Emergency Medical Treatment and Labor Act (EMTALA). This federal law requires doctors and hospitals to provide necessary abortion care during pregnancy in case of medical emergencies to help stabilize the patient's condition. The coalition further argued that Idaho's ban not only endangers the lives and health of pregnant individuals in the state but would also have serious repercussions on the health systems of other states.

"This case illustrates the danger to women's health and well-being that the overruling of *Roe v. Wade* has allowed," said Attorney General Kaul. "When a decision needs to be made in an emergency medical situation, that decision should be made by the patient, not dictated by the government."

"Every person, no matter where they live, deserves the right to make their own healthcare decisions without interference from politicians who don't know anything about their life, their family, or their circumstances," said Gov. Evers. "As we continue to see Republican attacks on reproductive freedom and safe, legal abortion here in Wisconsin and across our country, our fight to protect and defend reproductive freedom has never been more important."

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Every hospital in the United States that operates an emergency department and participates in Medicare is subject to EMTALA. Under the federal law, emergency departments are required to provide all patients who have an emergency medical condition with the treatment required to stabilize their condition. Under Idaho's radical abortion ban, which came into effect after the U.S. Supreme Court's June 2022 decision overturning *Roe v. Wade*, healthcare providers would face criminal prosecution, or lose their license for providing this medically necessary care.

In August 2022, the Biden administration successfully sued to block enforcement of the ban, arguing in the U.S. District Court for the District of Idaho that the ban conflicts with protections afforded by EMTALA. Gov. Evers and Attorney General Kaul joined the coalition in support of the Biden administration's position before the U.S. Court of Appeals for Ninth Circuit.

Now, Idaho is appealing to the United States Supreme Court. The amicus brief by the multistate coalition backs the federal government's case in the Supreme Court and argues that:

- EMTALA requires abortion care when necessary to stabilize patients experiencing emergency pregnancy-related conditions.
- Preventing medical providers from performing abortions needed to treat emergency medical conditions threatens the health and lives of pregnant patients. Many pregnancy and miscarriage complications are emergency medical conditions requiring time-sensitive stabilizing treatment that can include abortion. In an emergency, any failure to provide, or delays in providing, necessary abortion care can put at risk the pregnant patient's life or health.
- If Idaho hospitals and providers do not provide the emergency abortion care required by EMTALA, patients will be forced to turn to out-of-state hospitals and providers, adding strain to other states' emergency departments that are already struggling with overcrowding, long wait times, and staff shortages. The added strain will cause more delays and threaten the safety and health of all patients who need emergency care.

Attorney General Kaul was joined in the amicus brief by the attorneys general from California, New York, Arizona, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.