

News From The States

REPRODUCTIVE RIGHTS TODAY

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By Elisha Brown



*Hobby Lobby supporters react to a 2014 U.S. Supreme Court decision that allowed some companies to deny employees' contraception coverage. Lawyers for Alliance Defending Freedom represented the arts & crafts chain of stores in that case.
(Mark Wilson/Getty Images)*

Alliance Defending Freedom, a conservative legal group, is behind nearly a dozen lawsuits challenging abortion and contraceptive access nationwide.

Earlier this month, the U.S. Supreme Court agreed to hear arguments in Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration. Filed in November 2022 by ADF on behalf of anti-abortion doctors, plaintiffs are seeking to revoke the FDA's 23-year-old approval of mifepristone, one of two abortion drugs.

The group is no stranger to the nation's top court. Lawyers for the Arizona-based organization have successfully argued [15 cases](#) in front of the bench, including 2022's *Dobbs v. Jackson Women's Health Organization* decision overturning *Roe v. Wade* and 2014's *Burwell v. Hobby Lobby Stores* ruling, which allowed closely-held, for-profit corporations to deny employees birth control coverage based on religion. In addition, some ADF trainees have clerked for Supreme Court Justices Samuel Alito and Amy Coney Barrett.

Here's are a few of Alliance Defending Freedom's [ongoing challenges](#) against reproductive rights:

- **Idaho v. United States** — The group is representing Idaho in a [lawsuit](#) over enforcement of the Emergency Medical Treatment and Labor Act, a federal statute that requires emergency room staff at Medicare-funded hospitals provide stabilizing care to patients, regardless of their ability to pay. Officials in the state take issue with the fact that ER doctors would have to provide necessary abortions.
- **Paul Isaacson v. Kristin Mayes** — Isaacson is an Arizona doctor and lead plaintiff in a [challenge](#) to a 2021 state law banning abortions for fetal diagnoses. Democratic Attorney General Kris Mayes is not defending the law, but providers are refusing to end untenable pregnancies. ADF has framed the case as a fight against eugenics.
- **Andrea Anderson v. Aitkin Pharmacy Services, LLC** — In 2019, A Minnesota woman sued a pharmacist and his business over his refusal to give her emergency contraception because of his religious beliefs. A jury determined ADF's client did not discriminate, but the decision was [appealed](#).

THE BEAT *States Newsroom coverage*

Arkansas abortion rights advocates submit revised ballot initiative

A committee behind an effort to restore abortion rights in Arkansas submitted an updated proposal to Republican Attorney General Tim Griffin Monday. Griffin rejected an initial petition last month, saying the language submitted by a Little Rock resident was too vague, [Arkansas Advocate](#) reports. **The new proposal from Arkansans for Limited Government would allow abortion up to 18 weeks of fertilization. Beyond that limit, abortion would be allowed in cases of rape, incest, fatal fetal anomalies or to protect the patient's life or physical health.** Arkansas bans all abortions except to save a person's life in the case of a "medical emergency." That law took effect after the *Dobbs* decision.

"We're confident that the language in this resubmission addresses all of the Attorney General's concerns as well as input from healthcare providers and seasoned legal minds," said committee treasurer Jim McHugh. The group also defined many of the terms listed and tried to address partisan coloring, per Griffin's recommendations. His response is due by Jan. 4. If Griffin accepts the update, **supporters must collect roughly 91,000 signatures by July 5** to make the November 2024 ballot.

Wyoming pharmacists and providers fearful as medication abortion laws flux



*Federal officials have removed some of mifepristone's regulations. But those changes have done little to widen access in Wyoming.
(Anna Moneymaker/Getty Images)*

The Biden administration has loosened regulations on abortion medication in recent years, making it available through the mail and allowing pharmacists upon certification to dispense mifepristone — one of two drugs used to terminate pregnancies — directly to patients.

But providers and pharmacists told [WyoFile](#) the changes have had little effect on the drug's availability in their state. The state's blocked abortion bans are being challenged in court. **The number of abortion providers are dwindling, and those who are left face stigma and shame.**

A Jackson clinic closed last week, leaving one in-person clinic and two telehealth services that offer abortions. Last year, a woman set fire to Wellspring Health Access in Casper, delaying the remaining clinic's opening and causing \$290,000 in damages.

Fear of prosecution and the flux of abortion laws has led some Wyomingites to seek care in other states. Dr. Rene Hinkle, a Cheyenne-based OB-GYN, told WyoFile that a doctor refused to treat a pregnant woman whose water broke at 17 weeks. Inducing delivery of a nonviable pregnancy is technically an abortion, Hinkle said. The patient went to Colorado for treatment and to prevent the risk of infection.

Ohio Supreme Court rejects six-week ban appeal

A bipartisan majority of the Ohio Supreme Court dismissed the state's efforts to reinforce a six-week abortion ban. **The court issued its 5-2 decision on Friday and cited a “change in law” due to the state's new abortion rights amendment,** [Ohio Capital Journal](#) reports. Nearly 57% of Ohioans voted for Issue 1, a reproductive rights ballot measure, last month. The Ohio Constitution was officially amended on Dec. 7.

The court is still considering a lawsuit that will decide the fate of the ban itself.

Providers and the American Civil Liberties Union recently submitted a request to the court asking the justices to permanently strike down the six-week restriction based on Issue 1's passage. Janet Folger Porter, president and founder of Faith2Action Ministries, filed a brief to the court arguing that the new amendment is unconstitutional and an assault on the “inalienable right to life.”

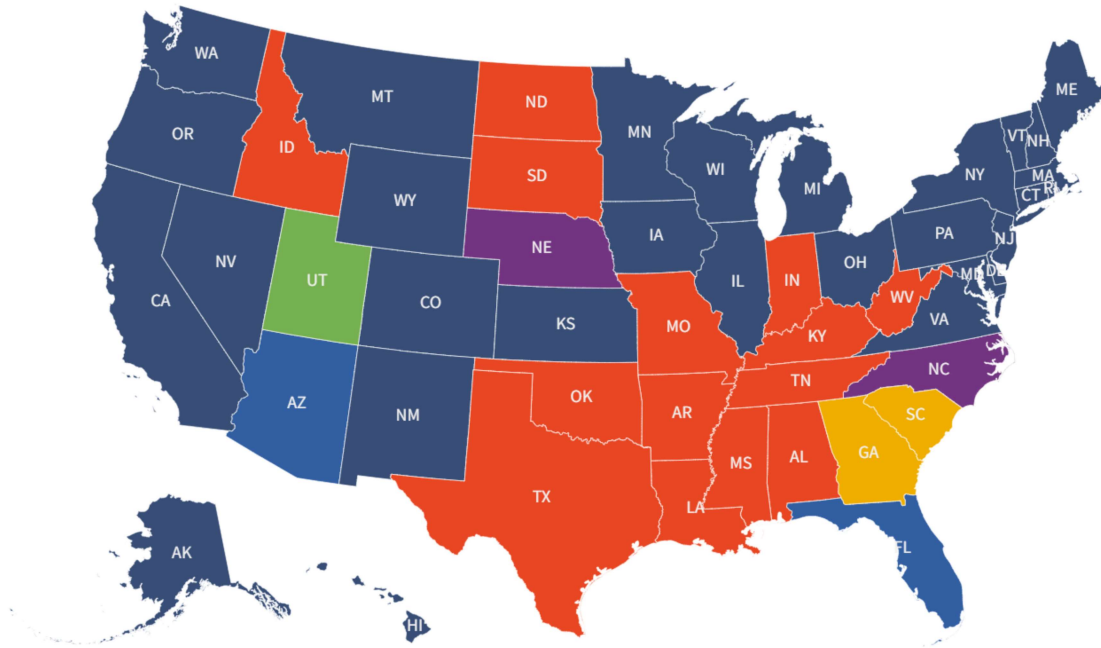
THE PULL *from Nevada*

“We've seen the tragic consequences of abortion restrictions across the country and it started with this court. Remember, we had former President Trump and Mitch McConnell stack the United States Supreme Court with these far-right judges in the hopes that they would overturn *Roe v. Wade*, and that's exactly what they've done.” — **U.S. Democratic Sen. Catherine Cortez Masto** on the Supreme Court's decision to take up an abortion pill case, [Nevada Current](#)

THE PULSE *Reproductive rights news across the country*

- Indiana Gov. Eric Holcomb wants to increase participation in maternal and child health programs. ([Indiana Capital Chronicle](#))
- A South Carolina representative plans to introduce legislation that would allow candidates and elected officials to use campaign funds for childcare. ([SC Daily Gazette](#))
- Indigenous law experts said the federal funding restrictions under the Hyde Amendment and Indian Health Service serve as a “de-facto” ban on abortions for sexual assault victims. ([USA Today](#))
- Millennials are facing greater maternal mortality rates than previous generations, data shows. ([CNN](#))
- Americans are getting pregnant later in life, but experts say U.S. policy changes to support them are lagging behind. ([The 19th*](#))

STATE BY STATE *Abortion access in the U.S.*



Open this interactive map in your browser

Track state-level developments on reproductive rights anytime at [News From The States](#). Send tips and thoughts to ebrown@statesnewsroom.com, and follow her on Twitter [@elishacbrown](#).

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