



## DEPARTMENT OF THE ATTORNEY GENERAL

**DAVID Y. IGE**  
GOVERNOR

**CLARE E. CONNORS**  
ATTORNEY GENERAL

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### **Attorney General Clare E. Connors Joins Multi-State Amicus Brief Protecting Women's Access to Abortion Services**

Honolulu – Today, Attorney General Clare E. Connors joined a coalition of 21 attorneys general in filing an amicus brief asking the U.S. Court of Appeals for the Sixth Circuit to affirm a lower court's finding that a Kentucky law regulating abortion services is unconstitutional under the 14<sup>th</sup> Amendment of the U.S. Constitution. The brief, led by Nevada Attorney General Aaron Ford, argues that the availability of abortion services in neighboring states does not excuse a state from the Constitution's prohibition on unduly burdening a woman's ability to access abortion services in her home state. Additionally, the brief urges the Court to ensure that regulations imposed on abortion services actually promote women's health without erecting substantial obstacles to the availability of these services.

The implications of this case for the women of Kentucky are particularly severe, as the law at issue would effectively eliminate the only abortion provider in the state. In their brief, the attorneys general further argue that allowing a state—like Kentucky—to rely on neighboring states for abortion services harms neighboring states. Allowing this analysis could have unintended consequences on neighboring states whose demand for abortion services could increase.

"No state should be allowed to unconstitutionally burden a woman's ability to access health services," said Attorney General Connors. "Hawaii has joined this multi-state brief because of its long-standing commitment to defending a woman's right to make decisions about her body."

Plaintiff-Appellee EMW Women's Surgical Center (EMW) is Kentucky's only licensed abortion facility. While EMW has provided safe abortions since the 1980s, in 2017, Kentucky's Cabinet for Health and Family Services (Cabinet) notified EMW that its license to perform abortions had been renewed in error, citing alleged violations of Kentucky law. EMW filed suit in March 2017, with Planned Parenthood later intervening in the case. Planned Parenthood had been trying unsuccessfully to obtain an abortion license until the Cabinet abruptly informed the organization that its transfer and transport agreements with a hospital and ambulance company were allegedly "deficient."

The District Court for the Western District of Kentucky ultimately agreed with EMW and Planned Parenthood, finding that the Kentucky law regarding transport and transfer agreement requirements imposed an undue burden on Kentucky women seeking to exercise their constitutional right to access abortion services. In response, the Cabinet appealed this decision last month in the federal courts, challenging the District Court's findings. Today's brief was filed in support of Planned Parenthood and EMW's legal challenge.

This amicus brief was led by Nevada Attorney General Aaron Ford and joined by the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia and Washington.

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For more information, contact:

Krishna F. Jayaram  
Special Assistant to the Attorney General  
Department of the Attorney General  
(808) 586-1284  
[krishna.f.jayaram@hawaii.gov](mailto:krishna.f.jayaram@hawaii.gov)