



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

CLARE E. CONNORS
ATTORNEY GENERAL

For Immediate Release
August 22, 2019

News Release 2019-48

**Hawaii Attorney General Files Brief to
Protect Women's Rights to Safe Abortion Services**

HONOLULU – Attorney General Clare E. Connors joined a coalition of 16 states led by Illinois Attorney General Kwame Raoul today to file an amicus brief supporting women's access to safe reproductive health care. The coalition filed the brief in *Whole Woman's Health Alliance v. Hill*, which is currently pending in the U.S. Court of Appeals for the 7th Circuit.

The coalition filed the brief in support of a lawsuit filed by Whole Woman's Health Alliance (WWHA), which is attempting to open a medication abortion clinic in South Bend, Ind. In the brief, the coalition argues that states have an interest in protecting the health and safety of residents, which includes promoting access to safe health care and reproductive health care.

"We must challenge unconstitutional requirements that limit access to safe health care," said Attorney General Connors. "Our Government regulatory systems should focus on the health of the public and to ensuring access to safe services."

WWHA filed a lawsuit against the Indiana state officials after they denied WWHA's application for a license to open a clinic that would provide medication abortions in South Bend. The state denied the license claiming that WWHA's application did not provide complete and accurate information about affiliated entities operating clinics in other states. WWHA filed suit and sought a preliminary injunction, arguing the state's licensing requirements, as applied to the South Bend clinic, are overly vague and unconstitutional. The U.S. District Court for the Southern District of Indiana entered a preliminary injunction requiring Indiana to allow WWHA to open the clinic, ruling that WWHA was likely to prove that the state's application of the regulatory process in the case was unconstitutional because it placed undue burden on a woman's ability to choose to have an abortion.

The coalition points out that states have a strong interest in ensuring that abortion care, like all health care services, is provided safely. States' interest in public health is best served when their licensing and regulatory processes are applied to protect the health

and safety of patients, rather than to deny women access to safe abortion services. In the brief, the attorneys general argue that preventing a clinic from operating in an underserved area may cause women to seek abortions from wholly unregulated sources or to undergo more risky procedures because they are forced to delay care.

Furthermore, the coalition argues, when a state enforces its licensing regulations in a manner that deprives an underserved population of access to abortion care, it increases the public health risk for pregnant women. Currently, there are six abortion clinics in the state of Indiana, and half are located in Indianapolis. According to WWHA, because women in South Bend and the surrounding community do not have access to an abortion clinic, they are forced to travel significant distances to receive safe abortion care in their home state or in a neighboring state.

The coalition also points out that when women are forced to travel to other states to access care due to their home state's unlawful conduct, it may strain health care systems in those neighboring states. Evidence shows that women from Indiana regularly travel to Chicago to obtain abortions. In short, the coalition argues, the repercussions of Indiana's actions are not limited to Indiana or the women who live there.

A copy of the brief can be found [here](#).

Joining Illinois Attorney General Raoul and Attorney General Connors in filing the brief were the attorneys general of the California, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Mexico, New York, Oregon, Pennsylvania, Vermont, and Washington.

#

For more information, contact:

Krishna F. Jayaram
Special Assistant to the Attorney General
(808) 586-1284
Email: atg.pio@hawaii.gov
Web: <http://ag.hawaii.gov>
Twitter: @ATGHlGov