

April 22, 2020

ATTORNEY GENERAL RAOUL CHALLENGES ALABAMA'S ABORTION BAN DURING COVID-19 PANDEMIC

Chicago — Attorney General Kwame Raoul, as part of a multistate coalition of 18 attorneys general, acted to stop Alabama from banning almost all abortions in the state during the coronavirus pandemic. Raoul and the coalition [filed an amicus brief](#) in the U.S. Court of Appeals for the 11th Circuit, supporting the plaintiffs in *Robinson v. Marshall*, as they fight to preserve access to reproductive health care for women across Alabama.

"It is unacceptable that a state would use the COVID-19 crisis as an excuse to push an anti-abortion agenda and stand in the way of a woman's right to reproductive health care," Raoul said. "I am committed to fighting actions that violate the constitution and further endanger women during this crisis."

On March 17, Alabama's state health officer issued an order declaring that "all dental, medical, or surgical procedures shall be postponed until further notice," with exceptions to be made only for emergencies, in order to avoid serious harm, or to continue ongoing and active treatment. Alabama Attorney General Steve Marshall later confirmed that abortion services would not be exempt from the order, claiming that abortion clinics use valuable personal protective equipment (PPE), and that abortions typically require hospitalization.

On March 30, Dr. Yashica Robinson and Alabama's three independent abortion clinics filed a complaint in the U.S. District Court for the Middle District of Alabama. On April 12, the district court granted a preliminary injunction, explaining that, in Alabama, abortion becomes illegal after the 20th week of pregnancy. The court reasoned that the order is the equivalent of an abortion ban that would prevent some women from exercising their right to terminate a pregnancy, or would make it extremely difficult for some women to access abortion services. The court further explained that Alabama's efforts to combat COVID-19 do not outweigh the significant lasting harm on women who cannot exercise their right to terminate a pregnancy. Alabama appealed the preliminary injunction to the U.S. Court of Appeals for the 11th Circuit.

In the amicus brief, Raoul and the coalition argue that Alabama's order fails to take into account the time-sensitive nature of abortion care, which makes it different than medical services that can be postponed during the COVID-19 crisis without harming the patient. If allowed to go into effect, the order will harm women by requiring more invasive and lengthier terminations or, in some cases, entirely depriving women of their right to an abortion.

Additionally, Raoul and the coalition point out that Alabama's order would force some women in Alabama to seek abortion care by undertaking potentially risky and expensive trips across state lines at a time when the entire U.S. population is being asked to limit travel to stop the spread of COVID-19. Further, the coalition notes that residents of Illinois and other amici states may currently be in Alabama without a way to return home, those women still have a right to time-sensitive reproductive care.

Finally, Raoul and the coalition explain that restricting abortions would not help Alabama preserve PPE, free up hospital beds, or prevent the spread of COVID-19. The coalition points out that abortions require significantly less PPE and medical resources than continuing a pregnancy, and medication abortions typically require none. Indeed, abortions rarely require admission to a hospital. Raoul and the coalition cite that each year, one out of 10,000 emergency room visits are abortion-related. However, a significant number of annual hospitalizations result from complications related to pregnancies and miscarriages.

The brief follows three similar amicus briefs filed earlier this month by Raoul and other attorneys general supporting lawsuits challenging similar efforts by states – Texas, Oklahoma, and Arkansas – to ban abortion during the COVID-19 public health crisis. Medical professionals, including the American College of Obstetricians and Gynecologists, recently denounced the abortion bans being imposed by states during the spread of COVID-19, saying that delays in providing time-sensitive reproductive health care could significantly impact a woman’s life, health, and well-being.

In addition to Alabama, Arkansas, Texas, and Oklahoma, the states of Iowa, Louisiana, Mississippi, Ohio, and Tennessee have all also attempted to ban many pre-viability abortions during the COVID-19 pandemic, limiting their residents’ constitutional rights.

Joining Raoul in filing the brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Massachusetts, Minnesota, Nevada, New Mexico, New York, Oregon, Pennsylvania, Vermont, Virginia, and Washington.