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MADIGAN FILES AMICUS BRIEF DEFENDING WOMEN'S ACCESS TO CONSTITUTIONALLY PROTECTED ABORTION SERVICES

Madigan & 15 Other Attorneys General Oppose Four Arkansas State Laws that Severely Curtail Access to Abortion Services

Chicago — Attorney General Lisa Madigan, along with 15 other attorneys general, filed an amicus brief today with the U.S. Court of Appeals for the Eighth Circuit, challenging four Arkansas state laws that severely curtail access to abortion in that state.

The laws include a statute that criminalizes the safest and most common method of second-trimester abortion and instead requires women to undergo risky and medically unnecessary procedures. The laws also create obstacles in accessing abortion, require physicians to report abortions had by girls between the ages of 14 and 16 to local police departments, and require a woman's sexual partner or other family members be notified of and consent to fetal tissue disposal.

In *Hopkins v. Jegley*, a physician is challenging the four laws and the undue burdens they place on women's constitutionally protected abortion rights. The district court held that all four laws are unconstitutional and issued a preliminary injunction preventing them from taking effect. Arkansas appealed to the U.S. Court of Appeals for the Eighth Circuit. The states' amicus brief urges the court to affirm the district court's decision.

"The laws in Arkansas are dangerous and invasive, and I will fight to ensure women continue to make their own decisions about their health care," Madigan said.

Madigan and the other attorneys general argue in the brief that under the Supreme Court's controlling "undue burden" standard, an abortion regulation is unconstitutional when its benefits to a state's interest are outweighed by the burdens on abortion access that it imposes. Where an abortion regulation would effectively ban safe and legal abortions, the states argue that its burden clearly is not justified. The brief further argues that the three other laws at issue are invalid because they fail to advance a legitimate state interest, impose substantial and unwarranted burdens on abortion access, and are impermissibly vague.

Joining Madigan in filing the brief were the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, New York, Oregon, Pennsylvania, Vermont, Virginia and Washington.

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

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