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Court upholds partial block on Idaho's abortion travel ban

BOISE, Idaho (Dec. 2, 2024) — Today, the Ninth Circuit Court of Appeals upheld a partial block on Idaho's abortion travel ban, the first law of its kind in the country.

The main goal of [the law](#) is to prevent minors from getting abortions in other states. It makes it a felony to "recruit, harbor, or transport" a pregnant minor with the intent to conceal the abortion from the minor's parents or guardian. In other words, a trusted adult could face incarceration for helping youth access legal health care.

In July 2023, Legal Voice, Stoel Rives, and the Lawyering Project sued to have the law declared illegal. In Sept. 2023, the Idaho District Court put the law on hold. Since then, the state of Idaho has appealed that decision three times. First, it went back to the District Court, where the court ruled in favor of the plaintiffs. Then it was appealed on an emergency basis to the Ninth Circuit Court of Appeals, where the plaintiffs won again.

Now, the Ninth Circuit has partially upheld the district court's block on the law. The ruling found that the law's prohibition on "recruiting" pregnant youth violates the First Amendment. As the court noted, "encouragement, counseling, and emotional support are plainly protected speech," even when that speech happens in the "context of deciding whether to have an abortion." This decision is a significant victory for the plaintiffs, as it frees Idahoans to talk with pregnant minors about abortion health care.

In addition, the court ruled in the plaintiffs' favor on two other matters. It found that that the plaintiffs have the right to litigate and that they are suing the proper defendant – both points the state of Idaho had contested.

However, the court held that the law's prohibition on "recruiting" youth could be "severed" from the rest of the statutory language. This means that invalidating the law's prohibition on "recruitment" does not invalidate the law as a whole. As a

result, the law's prohibitions on “harboring” and “transporting” pregnant youth remain intact.

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About Legal Voice

Legal Voice was founded on the belief that all women, girls, and LGBTQ+ people should be able to live their lives with dignity, safety, and autonomy. We advance justice and build community power by using multiple strategies: litigation, legislative advocacy, and public education. We do our work in partnership with activists, community leaders and organizations to achieve systemic change by supporting movements led by/for BIPOC and marginalized communities. Our overarching vision is to co-create a world where we are each seen in our full humanity and thrive in communities free from oppression and racism.

legalvoice.org

About Stoel Rives

Stoel Rives is a leading U.S. corporate and litigation law firm providing high quality services to sophisticated business clients at every stage of their evolution. With 350 attorneys in seven states and Washington, D.C., Stoel Rives is a nationally recognized leader in the energy and natural resources industries. From deals and disputes to compliance and counseling, clients turn to Stoel Rives for their most complex business challenges. Let's navigate the future together. stoel.com

About The Lawyering Project

The Lawyering Project uses the law to improve abortion access and uphold the rights and dignity of people seeking and providing reproductive health care.

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