



Written by [C. Mitchell Shaw](#) on March 15, 2022

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## As SCOTUS Appears Poised to Strike Down Roe, Idaho Passes Texas-style Bill Banning Abortion After Six Weeks

In a 51-to-14 vote along party lines, the Idaho House of Representatives passed a bill Monday prohibiting abortion after six weeks of pregnancy. The bill — which had already passed in the Idaho Senate — includes a Texas-style mechanism that leaves enforcement to private citizens. Republican Governor Brad Little is expected to sign the bill into law.

As the expected June decision by the Supreme Court regarding abortion approaches — with many on both the Right and the Left anticipating the court to strike down *Roe v. Wade* — states are enacting abortion laws. And while liberal states are working to throw wide the gates for killing the unborn, conservative states appear to be working toward banning the practice altogether.

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The Texas “fetal heartbeat” law — on which the Idaho bill is based in part — helped spark action that led the Supreme Court to take another substantial look at *Roe* for the first time since it was decided in 1973. That second look leaves the fate of *Roe* in serious doubt. In fact, as stated above, it is expected that *Roe* will be relegated to the ash heap of history when the court makes its decision in June.

As the *New York Times* [reports](#):

The Idaho House, led by Republicans, approved the bill, 51-14, and sent it to Gov. Brad Little. Mr. Little, a Republican, has already signed a separate law restricting abortion that passed last year.

The bill was the latest display of confidence from anti-abortion activists and lawmakers across the country. Both sides of the abortion debate anticipate that by summer, the Supreme Court could pare back or overturn *Roe v. Wade*, the 1973 decision that established a constitutional right to abortion.

In anticipation of that decision — which could send abortion back to the states, as it was pre-*Roe* —



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states are setting the stage for taking their own stand on the issue. As *Forbes* [reported](#) on the Idaho bill:

The Idaho legislature passed a near-total ban on abortion Monday night that mimics Texas' abortion law by empowering private citizens to enforce the ban through lawsuits, the first in a potential string of states that may copy Texas' abortion restrictions — or go even further — after courts refused to strike the law down.

Oklahoma may soon follow suit, since the Oklahoma Senate passed its own version of the Texas bill last week, banning nearly all abortions after six weeks. While that bill stills needs to be passed by the Oklahoma House, it appears to be moving in that direction. Oklahoma is not only a Red state, it is solidly so.

Missouri, Tennessee, Alabama, Louisiana, and Ohio have similar legislation in motion. The bills in Tennessee and Ohio go further than the Texas bill copied by Idaho, banning all abortions. Arizona, Florida, Minnesota, and Wisconsin have introduced similar bills, though they are unlikely to pass at this time.

From *Forbes*:

Legislation in Arizona, Florida, Minnesota and Wisconsin has been introduced but is unlikely to succeed: Florida passed a 15-week abortion ban instead and Arizona is likely to follow, while Minnesota and Wisconsin have Democratic governors that would veto any bill that gets passed.

Efforts to pass a Texas-style ban in Arkansas have already failed twice — though lawmakers could try again — and Republicans on a South Dakota House committee objected to a bill brought by Gov. Kirsti Noem (R).

The Idaho bill stands on solid ground while waiting for the June decision from the Supreme Court. Since Idaho's bill is modeled after the Texas bill, any challenge would likely have to wait until the court decides on the Texas bill.

As MSN [reported](#):

While the U.S. Supreme Court's upholding of the Texas law doesn't bode well for those challenging other states' legislation, lower courts could be more receptive to lawsuits. The 5th Circuit Court of Appeals and Texas Supreme Court, which both upheld the law, are predominantly or entirely made up of conservative judges more likely to back abortion restrictions. Other state and federal courts may have judges that would be more inclined to strike the copycat laws down.

In the meantime, pro-lifers are celebrating the Idaho bill. As the Associated Press reports:

The House voted 51-14 with no Democratic support to approve the legislation modeled after a Texas law that the U.S. Supreme Court has allowed to remain in place until a court challenge is decided on its merits.



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“This bill makes sure that the people of Idaho can stand up for our values and do everything in our power to prevent the wanton destruction of innocent human life,” Republican Rep. Steven Harris, the bill’s sponsor, said in a statement after the vote.

The measure has already passed the Senate and now heads to Republican Gov. Brad Little. Marissa Morrison, Little’s spokeswoman, said Monday the governor hadn’t seen the bill and doesn’t comment on pending legislation.

But as pro-lifers celebrate, the abortion lobby is up in arms. As *Forbes* reports, Democratic Representative Lauren Necochea blasted the bill as having a “vigilante aspect” since it allows the father, grandparents, siblings, aunts, and uncles of a preborn child to each sue an abortion provider for a minimum of \$20,000 in damages within four years of the abortion.

And Jennifer M. Allen, CEO of Planned Parenthood Alliance Advocates, a non-profit umbrella group that works in Idaho and five other states, is demanding that Governor Little refuse to sign the bill into law. In a statement, Allen said, “Gov. Little must do the right thing, listen to the medical community, and veto this legislation before it forces Idaho patients to leave the state for critical, time-sensitive care or remain pregnant against their will.”

But while Little has said he does not comment on pending legislation, all indications are that Allen and her ilk are not going to get their wish. Little will almost certainly sign the bill into law and then it will take effect within 30 days.

Part of the enthusiastic outlook for Little to sign the bill into law comes from the fact that this is not the first bill banning abortion that Idaho has passed. Last year, Little signed into law a similar “fetal heartbeat” bill, but that law included a “trigger” before it would go into effect. The “trigger” would be activated by a favorable federal court ruling somewhere in the country. And since that has not happened yet, that law is in a holding pattern. But the fact that Little signed that bill into law last year is a strong indicator that this bill will become law.



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