

# IDAHO PRO-LIFE LAWS EXPLAINED

*In Idaho, preborn life is protected by two key pro-life laws that are currently in effect: the Defense of Life Act, and the Heartbeat law*

## DEFENSE OF LIFE ACT

Creates criminal liability for medical professionals who perform an unlawful abortion of a clinically diagnosable pregnancy.

Includes exceptions for life of the mother, rape, and incest.

Does not currently apply in cases of medical emergency in emergency room settings, per federal court order.

## HEARTBEAT LAW

Creates civil liability for medical professionals who perform an unlawful abortion when a preborn baby's heartbeat can be detected.

Medical professionals must check for fetal heartbeat prior to performing an abortion, except in cases of medical emergency.

Includes exceptions for medical emergencies, rape, and incest.

*Misinformation on the two laws has spread throughout Idaho—  
CONFUSING PATIENTS on their medical rights, and  
CONFUSING DOCTORS on what kind of care they can legally give.*

# IDAHO ABORTION FACT SHEET



## FALSE CLAIM

*Idaho abortion laws hinder the ability of physicians to provide miscarriage management, ectopic pregnancy treatment, and molar pregnancy removal.*

## TRUTH

Treatments relating to miscarriage, ectopic pregnancy, and molar pregnancy are not classified as abortions; therefore, access to such treatments is not restricted by Idaho abortion laws, as affirmed by the Idaho Supreme Court.

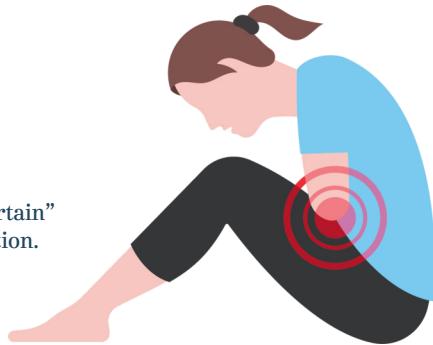
## FALSE CLAIM

*Physicians don't know how "certain" they must be that the mother will die and how "imminent" death must be before legally providing an abortion necessary to save the life of the mother.*

## TRUTH

As the Idaho Supreme Court has recognized, none of our state abortion laws require physicians to be "certain" that the mother will die or is facing "imminent" death before a physician can provide a life-saving abortion.

This means that physicians can provide an abortion so long as the physician has concluded in their medical judgement such an abortion is necessary.



## FALSE CLAIM

*Idaho abortion laws are vague and ambiguous—and doctors can't know whether the care they provide might subject them to criminal prosecution or civil liability.*

## TRUTH

Idaho abortion laws are clear, understandable, and legally sound—providing even greater clarity and protections for physicians than state abortion laws in effect prior to Roe v. Wade (1973).

According to the Idaho Supreme Court, any physician – and even any "person of ordinary intelligence" should "unquestionably understand" – what care a physician can provide under our state abortion laws.

## FALSE CLAIM

*Idaho abortion laws prevent physicians from providing timely and appropriate medical care.*



## TRUTH

Idaho abortion laws provide ample clarity and latitude for physicians who offer medically necessary care, including life-saving abortions.

According to the Idaho Supreme Court, the "plain language" of the Defense of Life Act "leaves wide room for the physician's good faith medical judgment."

Similarly, the Heartbeat law "simply requires the physician to exercise reasonable medical judgment" when providing care and considering whether an abortion is necessary.

Additionally, Idaho abortion laws do not prevent physicians from providing medically necessary healthcare to a pregnant woman, including cancer treatment or emergency surgery, even if such treatment results in the unintentional death of the preborn baby.

