

IN THE SUPREME COURT OF THE STATE OF IDAHO

PLANNED PARENTHOOD GREAT
NORTHWEST, HAWAII, ALASKA,
INDIANA, KENTUCKY, on behalf of itself,
its staff, physicians and patients and CAITLIN
GUSTAFSON, M.D., on behalf of herself and
her patients,

Petitioners,

v.

STATE OF IDAHO,

Respondent,

and

SCOTT BEDKE, in his official capacity as
Speaker of the House of Representatives of the
State of Idaho; CHUCK WINDER, in his
capacity as President Pro Tempore of the
Idaho State Senate; and the SIXTY-SIXTH
IDAHO LEGISLATURE,

Intervenors-Respondents.

Supreme Court Docket No. 49615-2022

**NOTICE OF SUPPLEMENTAL AUTHORITY TO INTERVENORS-RESPONDENTS'
BRIEF ON ISSUES SET FOR HEARING**

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Pursuant to Idaho Appellate Rule 34(e), the Speaker of the House of Representatives for the State of Idaho, Scott Bedke, Senate President Pro Tempore Chuck Winder, and the Sixty-Sixth Idaho Legislature (collectively the “Legislature”) submit the following as supplemental authority to the Intervenor-Respondents’ Brief on Issues Set for Hearing as directed by this Court’s June 30, 2022 Order. That order stated at page 5: “Thus ... post-*Dobbs*, the Heartbeat Act passes *federal* constitutional muster.” (Emphasis in original.)

After the filing of that Brief, the United States Court of Appeals for the Eleventh Circuit entered its decision and judgment in *SisterSong Women of Color Reprod. Just. Collective v. Governor of Ga.*, --- F.4th ----, 2022 WL 2824904 (11th Cir. July 20, 2022). In its decision, the court upheld a Georgia statute prohibiting abortions after the detection of a fetal heartbeat. The court explained that under *Dobbs*, “there is no such thing as a constitutional right to abortion,” and further noted that post-*Dobbs*, “the only constitutional scrutiny to which abortion regulations are subject is rational-basis review.” *Id.* at *4 (citing *Dobbs v. Jackson Women’s Health*, 142 S. Ct. 2228 (2022)). Applying rational-basis review, the court held that “Georgia’s prohibition on abortions after detectable human heartbeat is rational.” *Id.*

Dated this 28th day of July, 2022.

MORRIS BOWER & HAWS PLLC

/s/ Daniel W. Bower

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/s/ Monte Neil Stewart

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2022, I filed and served the foregoing via the Odyssey File and Serve system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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