

Idaho enacts abortion ban modeled on Texas law

BY KEITH RIDLER

Associated Press

BOISE — Idaho on Wednesday, March 23, became the first state to enact a law modeled after a Texas statute banning abortions after about six weeks of pregnancy and allowing it to be enforced through lawsuits to avoid constitutional court challenges.

Republican Gov. Brad Little signed into law the measure that allows people who would have been family members to sue a doctor who performs an abortion after cardiac activity is detected in an embryo. Still he said he had concerns about whether the law was constitutional.

"I stand in solidarity with all Idahoans who seek to protect the lives of preborn babies," Little wrote in a letter to Lt. Gov. Janice McGeachin, who is also president of the Senate.

Yet he also noted: "While I support the pro-life policy in this legislation, I fear the novel civil enforcement mechanism will in short order be proven both unconstitutional and unwise."

The law in the conservative state is scheduled to take effect 30 days after the signing, but court challenges are expected. Opponents call it unconstitutional, and note that six weeks is before many women know they're pregnant.



Idaho Governor Brad Little, right, speaks at the White House on July 16, 2020.

Jim Watson/AFP via Getty Images, File

Advanced technology can detect a first flutter of electric activity within cells in an embryo as early as six weeks. This flutter isn't a beating heart; it's cardiac activity that will eventually become a heart. An embryo is termed a fetus after the eighth week of pregnancy, and the actual heart begins to form between the ninth and 12th weeks of pregnancy.

The law 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 after the abortion. Rapists can't

file a lawsuit under the law, but a rapist's relatives could.

"The vigilante aspect of this bill is absurd," said Idaho Democratic Rep. Lauren Necochea. "Its impacts are cruel, and it is blatantly unconstitutional."

A Planned Parenthood official called the law unconstitutional and said the group was "committed to going to every length and exploring all our options to restore Idahoans' right to abortion."

"I want to emphasize to everyone in Idaho that our doors remain open. We remain committed to helping our patients access the health care they

need, including abortion," said Rebecca Gibron of Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana and Kentucky, which operates Idaho's three abortion clinics.

Backers have said the law is Idaho's best opportunity to severely restrict abortions in the state after years of trying. Most recently, the state last year passed a six-week abortion ban law, but it required a favorable federal court ruling in a similar case to take effect, and that hasn't happened.

The law is 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. The Texas law allows people to enforce the law in place of state officials who normally would do so. The Texas law authorizes lawsuits against clinics, doctors and anyone who "aids or abets" an abortion that is not permitted by law.

A number of other states are pursuing similar laws, including Tennessee, which introduced a Texas-styled abortion bill last week.

White House press secretary Jen Psaki said the Biden administration knew the Texas law would lead to other states passing similar laws, and called on Congress to send the president a bill to "shut down these radical steps."

"This development is devastating for women in Idaho, as it will further impede women's access to health care, especially those on low incomes and living in rural communities," Psaki said in a statement Wednesday.

Republicans in Idaho have super-majorities in both the House and Senate. The measure passed the Senate 28-6 and the House 51-14 with no Democratic support. Three House Republicans voted against the measure.

Little on Wednesday noted his concerns with the legislation.

"Deputizing private citizens to levy hefty monetary fines on the exercise of a disfavored but judicially recognized constitutional right for the purpose of evading court review undermines our constitutional form of government and weakens our collective liberties," he wrote.

He said that he worried some states might use the same approach to limit gun rights.

He also noted his concern with the part of the law allowing a rapist's relatives to sue.

"Ultimately, this legislation risks retraumatizing victims by affording monetary incentives to wrongdoers and family members of rapists," he wrote.

He concluded the letter by encouraging lawmakers to fix those problems to avoid unintended consequences "to ensure the state sufficiently protects the interests of victims of sexual assault."

Little is facing a primary challenge from the far-right in McGeachin, the lieutenant governor, who has been endorsed by former President Donald Trump.

Republican Rep. Steven Harris, the bill's sponsor, said in a statement after the vote on March 14: "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."

Minor rise in COVID-19 cases forecast by OHSU

BY GARY A. WARNER

Oregon Capital Bureau

A comparatively minor upswing in COVID-19 cases in Oregon is expected to hit this week, driven by infections of the hyper-contagious BA.2 version of the omicron variant, according to a new state report.

The forecast from the Oregon Health & Science University shows a much lower peak for the new wave of cases, topping out at under 300 hospitalizations per day in the first week of May, then resuming a downward trend until reaching current levels again by late June.

"The primary forecast shows a slight increase in hospitalized patients as the impacts of BA2 and reduced COVID restrictions are experienced," said the report written by Dr. Peter Graven, the chief COVID-19 forecaster at OHSU.

The forecast is part of the mixed medical and political signals around the nation as the omicron surge that began

Baker County's streak with no cases hits 10 days

For the first time since June 2020, Baker County went a full week without reporting a single case of COVID-19.

And as of Monday, March 28, the county had posted 10 straight days with no cases.

The Oregon Health Authority records cases from Sunday through Saturday. Baker County had no cases from March 20-26. That hadn't happened in any week since the period June 20-26, 2020.

The county had only one case from March 12-27.

in late November and peaked in mid-January has rapidly dropped to levels not seen since before the delta variant spike began at the end of June 2021.

As of Friday, March 25, the

statistics in Oregon showed a precipitous drop-off. The Oregon Health Authority on Friday reported 189 new cases of COVID-19 and two deaths.

Oregon hospitals reported 157 patients with COVID-19, down four from the day before. There were 26 patients with COVID-19 in intensive care units, up one from Thursday's report.

Positive test results — a key indicator of future growth of the virus — were at 2.5%, down from the high point of 22.6% in mid-January. OHA has said throughout the pandemic that a rate of 5% or under was manageable for health care providers.

The expected rise in cases is due to two factors, one expected, but the other an unwelcome surprise.

Even before the official lifting of indoor face mask requirements, compliance with safeguards was waning.

OHSU forecasters said a slowing of the drop in cases

was likely as more people became exposed.

But the loosened restrictions also came as the BA.2 "subvariant" arrived in Oregon. Beginning last week, OHA started tracking BA.2 cases, which have been small but rising. Analysis of wastewater around the state has shown traces of BA.2.

The variant was found in two wastewater samples from Redmond on Feb. 7 and 14, said Tim Heider, a public information officer at the Oregon Health Authority.

"This was likely an introduction with limited trans-

mission and at the time (the sub-variant) did not overtake the (main variant)," Heider said. "The wastewater detection allows experts to estimate the proportion of each variant circulating in a community."

The variant of concern now was also found in five other communities: Astoria and St. Helens on Feb. 24, Portland on Feb. 27, Lincoln City on March 1 and Salem on March 9.

Current vaccinations are effective against all variants of COVID-19, he said.

Nationwide, estimates suggest that this variant will

quickly become dominant. This variant is believed to be more contagious than the earlier omicron sub-variant, but doesn't cause more severe illness. What is not clear is if this sub-variant will result in a surge that will affect area hospitals.

All omicron variants so far have proven to be significantly more contagious than previous COVID-19 spikes, with the latest OHA statistics showing 61.9% of new infections were in unvaccinated people, while 37.7% were vaccine "breakthrough cases." Of those, 52.7% were fully vaccinated and boosted.



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