

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF IDAHO,

Defendant.

Case No. 1:22-cv-329-BLW

**[PROPOSED/~~FALL-BACK~~] ORDER**

Upon consideration of the United States' Motion for a Preliminary Injunction, and the parties' respective submissions in support thereof and in opposition thereto, the Court hereby grants ~~ORDERS that the the~~ United States' motion ~~is GRANTED~~ to the extent set forth below and otherwise denies it.

It is ~~FURTHER~~ ORDERED that the State of Idaho, including all of its officers, employees, and agents, are preliminarily enjoined from enforcing Idaho Code § 18-622(2)-(3) to the extent, but only to the extent, that such enforcement will actually prohibit, preclude, or unduly interfere with medical treatment (i) that is provided "to stabilize" (within the meaning of ~~as applied to medical care required by~~ the Emergency Medical Treatment and Labor Act ("EMTALA"), 42 U.S.C. § 1395dd(e)(3)(A) and (ii) that is provided in a "hospital" (within the meaning of EMTALA, 42 U.S.C. § 1395dd(e)(5)). As used in the previous sentence, "enforcing" and "enforcement" mean and encompass only actual conduct the purpose and effect of which is to threaten or prosecute

~~It is FURTHER ORDERED that the State of Idaho, including all of its officers, employees, and agents, are specifically prohibited from initiating any criminal proceedingseccution against, or attempting to suspend or revoke the professional license of, or seeking to impose any other form of liability on, any medical provider or hospital based on their provision of medical treatment constituting performance of conduct that is defined as an “abortion” (within the meaning of under Idaho Code § 18-604(1)) when, but only when, that treatment is of an “emergency medical condition” (within the meaning of EMTALA, 42 U.S.C. § 1395dd(e)(1)) and the withholding of that treatment “could reasonably be expected to result in— ..., but that is necessary to avoid: (i) “placing the health of” a pregnant patient “in serious jeopardy”; (ii) a “serious impairment to bodily functions or ...” of the pregnant patient; or (iii) a “serious dysfunction of any bodily organ or part” of “a the pregnant woman” (within the meaning of EMTALA, patient, pursuant to 42 U.S.C. § 1395dd(e)(1)(A)(i)-(iii)).~~

SO ORDERED.

~~//end of text//~~

Submitted by: Lisa Newman  
Counsel for the United States