



West Virginia Court Blocks Archaic and Cruel Criminal Abortion Ban

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CHARLESTON, W.Va. — The Circuit Court of Kanawha County, West Virginia ruled today that it would issue a preliminary injunction in a lawsuit filed by West Virginia medical providers and advocates against the state’s 150-year-old criminal abortion ban, which was being used to threaten people seeking and doctors providing abortion care. After the Supreme Court overturned *Roe v. Wade*, fear of prosecution under this outdated law forced the state’s only abortion clinic, Women’s Health Center of West Virginia, to suspend abortion services and turn away patients seeking essential care.

“We have been proud to provide essential abortion services to West Virginians for nearly 50 years, and we’re determined to continue doing so for as long as we’re able. The impacts of abortion being pushed out of reach for the last month have been devastating. Our patients deserve more from their elected leaders,” said **Katie Quiñonez**, executive director of Women’s Health Center of West Virginia. “Today’s decision is a sigh of relief, and means we can once again serve the people who reach out to us for abortion services. Make no mistake: Essential health care shouldn’t depend on the whims of a court or politicians, it should be based on compassion and what’s best for one’s life and future. We won’t stop fighting for the ability to serve our patients with the care they need — not now, and not ever.”

“We applaud the court’s decision to block West Virginia’s archaic abortion ban, which has caused weeks of chaos and devastation in the state for people who need abortion care since *Roe* was overturned,” said **Alexa Kolbi-Molinas**, deputy director of the ACLU Reproductive Freedom Project. “The impacts of forcing women and pregnant people to carry to term and give birth against their will has life-altering consequences, including grappling with serious health risks, making it harder to escape poverty, and derailing education and career plans. While today’s decision is an important first step, the fight is not over and we’re determined to use every tool at our disposal along the way to protect abortion access for West Virginians.”

“Today’s ruling provides much-needed clarity on a law on a law that dates back more than 150 years,” said **Loree Stark**, legal director of ACLU West Virginia. “This is a win not just for the plaintiffs, but for all West Virginians.”

The lawsuit, *Women’s Health Center of West Virginia v. Miller*, argued the statute should be considered void under the doctrine of “repeal by implication,” a legal concept that holds an older law is made void when a newer, conflicting law is passed. West Virginia lawmakers have passed

law after law over the years regulating the provision of legal abortion, and many of them conflict with the provisions of the criminal abortion statute. The lawsuit also argues the statute should be considered void under the doctrine known as “desuetude,” which renders criminal laws void when they fall into disuse, because it has not been enforced in over half a century.

The American Civil Liberties Union, ACLU of West Virginia, Mountain State Justice, and the Cooley law firm filed the lawsuit on behalf of Women’s Health Center of West Virginia and its staff.

Read the motion for a preliminary injunction [here](#).

Read the full legal complaint [here](#).

Read an overview of the case [here](#).

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