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09/01/2023

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Lewis & Clark County District Court
STATE OF MONTANA

By: Helen Coleman

DV-25-2023-0000592-CR

Abbott, Christopher David

8.00

EXHIBIT 2

From: Emily Jones <emily@joneslawmt.com>
Sent: Thursday, August 17, 2023 8:57 AM
To: Alex Rate; Johnson, Thane; Corrigan, Christian; Russell, Michael
Cc: Hillary Schneller; Lang, Dia; Bungay, Deborah; Jami Westermeyer; Mead, Brent
Subject: RE: HB 937

Hi Alex,

DOJ is not involved in DPHHS's rulemaking process, nor have we been in communication with DPHHS regarding any rulemaking on HB 937, other than to pass along your request for information. Additionally, HB 937 will go into effect October 1 as the Legislature intended.

Thanks,
Emily

Emily Jones



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From: Alex Rate <rate@aclumontana.org>
Sent: Wednesday, August 16, 2023 1:39 PM
To: Emily Jones <emily@joneslawmt.com>; Johnson, Thane <Thane.Johnson@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Russell, Michael <Michael.Russell@mt.gov>
Cc: Hillary Schneller <hschneller@reprorights.org>
Subject: Re: HB 937

Emily and all,

I'm writing to follow up on my email from mid-July, below, about HB 937, which is set to take effect October 1. Our clients, All Families and Blue Mountain Clinic, have also reached out directly to DPHHS and have so far also received no response.

Does DPHHS intend to engage in the rulemaking process in advance of the legislation's effective date and, if so, when do you expect that process would begin? And, does DPHHS understand HB 937 to require clinic that provide abortion care to become licensed as "abortion clinics," or may clinics that provide abortion care continue to do so without facility

licensure? "Abortion clinic" has been added to the definition of "health care facility," but per MCA 50-5-101(26)(b), "health care facility" continues not to include the offices of clinicians regulated under Title 37.

We are concerned that, if facility licensure is required, there is not sufficient time before October 1 for DPHHS to propose and finalize regulations, for our clients to assess what regulations may require of them and/or make alterations, to apply for a license, and receive a response from DPHHS. To avoid emergency proceedings, and given the lack of response to our inquiries and the absence of even proposed regulations to date, would the State consider agreeing not to enforce HB 937 and any regulations until 90 days after final regulations are published?

I would appreciate a response by Monday, August 21, and am available to discuss this matter at your earliest convenience.

Thanks.

Alex Rate | Legal Director
(pronouns he/him)
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From: Alex Rate

Sent: Wednesday, July 12, 2023 5:58 PM

To: Emily Jones <emily@joneslawmt.com>; Johnson, Thane <Thane.Johnson@mt.gov>; Corrigan, Christian

<Christian.Corrigan@mt.gov>; Russell, Michael <Michael.Russell@mt.gov>

Cc: Hillary Schneller <hschneller@reprorights.org>

Subject: HB 937

Emily and all - HB 937 is scheduled to become effective on October 1. Among other things, the legislation directs DPHHS to develop licensing regulations for abortion clinics. Do you know if DPHHS intends to engage in the rule making process in advance of the legislation's effective date and, if so, when that process would commence?

Thanks.

Alex Rate | Legal Director

(pronouns he/him)

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CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice to the following on 09-01-2023:

Austin Miles Knudsen (Govt Attorney)

215 N. Sanders

Helena MT 59620

Representing: Charlie Brereton, State of Montana, Department of Public Health and Human Services

Service Method: eService

Electronically signed by Krystel Pickens on behalf of Alexander H. Rate

Dated: 09-01-2023