



Christian Legal Society National Conference
October 6-9, 2022

“A World Overturned: The Law of Life in a Post-Roe America”

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Introduction

We hold that *Roe* and *Casey* must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision . . . It is time to heed the Constitution and return the issue of abortion to the people’s elected representatives.¹

With those words, on June 24, 2022, the Supreme Court overruled *Roe v. Wade*² and *Planned Parenthood of Southeastern Pennsylvania v. Casey*³ in its landmark ruling in *Dobbs v. Jackson Women’s Health Organization*, ending nearly fifty years of federal constitutional travesty that manufactured a woman’s right to abort her unborn child.⁴ Justice Alito penned the majority opinion, joined by Justices Thomas, Gorsuch, Kavanaugh, and Barrett. Chief Justice Roberts concurred only in the judgment, while Justices Breyer, Sotomayor, and Kagan issued a joint dissent.

Dobbs related to a Mississippi law, House Bill 1510 (the “Gestational Age Act”), that restricts abortion from and after 15 weeks on the basis of several state interests specified in the bill’s findings. In particular, the interests include the fact that most abortions after 15 weeks’ gestation are “dismemberment” abortions, which the legislature found to be a “barbaric practice, dangerous for the maternal patient, and demeaning to the medical profession.” Further, the bill cites “significant physical and psychological risks to the maternal patient,” which increase with gestational age.⁵ The Mississippi legislature passed HB 1510 in 2018, and it took effect immediately when Governor Phil Bryant signed the bill into law on March 19, 2018. Jackson Women’s Health, the sole abortion clinic in Mississippi, and one of its providers filed suit in federal court to enjoin it on the day it took effect. Over Mississippi’s objections, the district court permitted only limited discovery related to a single issue: “whether the 15 week mark is before or after viability.” The district court refused to consider any of Mississippi’s stated interests, and disallowed an affidavit offered by the state’s expert, Dr. Maureen Condic, an expert in neurobiology, anatomy, and embryology, who opined on the ability of the fetus to experience pain after

¹ *Dobbs*, slip op. at 5-6.

² 410 U.S. 113 (1973).

³ 505 U.S. 833 (1992).

⁴ *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. ___ (June 24, 2022).

⁵ Citing to Linda Bartlett and her coauthors, the bill states that abortions performed after eight weeks gestation and beyond increase in physical and psychological risks exponentially. L. Bartlett, et al., Risk Factors for Legal Induced Abortion Mortality in the United States, 103 *Obstetrics & Gyn.* 103 (2004).

about the twelfth week of gestation. The district court granted summary judgment to Jackson Women’s Health and permanently enjoined the 15-week law.

The 5th Circuit Court of Appeals affirmed the district court, holding that Supreme Court precedent creates a categorical right to a previability abortion, and the 15-week law infringed that right because it operates as a “ban on certain pre viability abortions.” The court also affirmed the district court’s discovery and evidentiary rulings, explaining that this result “flows from are holding that the act unconstitutionally bans previability abortions.”

Mississippi petitioned the Supreme Court for review in the fall of 2020. After reconferencing or relisting *Dobbs* at least 28 times, the Supreme Court finally granted merits review on May 17, 2021. After [oral argument](#) on December 1, 2021, the Court issued its [opinion](#) on June 24, 2022.

Justice Alito authored the opinion of the Court, joined by Justices Thomas, Gorsuch, Kavanaugh, and Barrett. The majority “hold[s] that *Roe* and *Casey* must be overruled,” and, accordingly, “return[s] the issue of abortion to the people’s elected representatives.”⁶ As the Court recognizes, “*Roe* was egregiously wrong from the start. Its reasoning was exceptionally weak, and the decision has had damaging consequences. And far from bringing about a national settlement of the abortion issue, *Roe* and *Casey* have enflamed debate and deepened division.”⁷

The Court’s majority opinion was not deferential to *Roe* in the least:

Roe . . . was remarkably loose in its treatment of the constitutional text. It held that the abortion right, which is not mentioned in the Constitution, is part of a right to privacy, which is also not mentioned . . . And that privacy right, *Roe* observed, had been found to spring from no fewer than five different constitutional provisions—the First, Fourth, Fifth, Ninth, and Fourteenth Amendments.⁸

Years later, the majority said, “[t]he *Casey* Court did not defend this unfocused analysis and instead grounded its decision solely on the theory that the right to obtain an abortion is part of the ‘liberty’ protected by the Fourteenth Amendment’s Due Process Clause.”⁹

Before delving into its due process analysis, the Court paused to foreclose any claim that abortion is protected under the Equal Protection Clause. As the Court writes, “a State’s regulation of abortion is not a sex-based classification and is thus not subject to the ‘heightened scrutiny’ that applies to such classifications,”¹⁰ as “[T]he ‘goal of preventing abortion’ does not constitute ‘invidiously discriminatory animus’ against women.”¹¹ The majority concludes that “laws regulating or prohibiting abortion are not

⁶ *Dobbs*, slip op. at 5–6.

⁷ *Id.* at 6.

⁸ *Id.* at 9.

⁹ *Id.* at 10.

¹⁰ *Id.*

¹¹ *Id.* at 11 (citation omitted).

subject to heightened scrutiny. Rather, they are governed by the same standard of review as other health and safety measures.”¹²

The Court then pivoted “to *Casey*’s bold assertion that the abortion right is an aspect of the ‘liberty’ protected by the Due Process Clause of the Fourteenth Amendment.”¹³ In answering this question, the Court sought to “ask[] whether the right is ‘deeply rooted in [our] history and tradition’ and whether it is essential to our Nation’s ‘scheme of ordered liberty.’”¹⁴ Based on this analysis, “the clear answer is that the Fourteenth Amendment does not protect the right to an abortion.”¹⁵

The majority revisited the legal history of abortion set out in *Roe*, and concluded that “*Roe* either ignored or misstated this history, and *Casey* declined to reconsider *Roe*’s faulty historical analysis.”¹⁶ At common law, “abortion was a crime at least after ‘quickening’—i.e., the first felt movement of the fetus in the womb, which usually occurs between the 16th and 18th week of pregnancy.”¹⁷ In the United States, “the historical record is similar.”¹⁸ The Court writes that “[t]he few cases available from the early colonial period corroborate that abortion was a crime . . . And by the 19th century, courts frequently explained that the common law made abortion of a quick child a crime.”¹⁹ Reliance on the “quickening rule” is notwithstanding; “the original ground for the quickening rule is of little importance for present purposes because the rule was abandoned in the 19th century” because it was not in accordance with medicine or the common law.²⁰

Citing the majority’s well-researched appendix of 19th century abortion laws, the Court notes:

By 1868, the year when the Fourteenth Amendment was ratified, three-quarters of the States, 28 out of 37, had enacted statutes making abortion a crime even if it was performed before quickening. . . . Of the nine States that had not yet criminalized abortion at all stages, all but one did so by 1910.²¹

And as new states entered the Union, “[a]ll of them criminalized abortion at all stages of pregnancy between 1850 (the Kingdom of Hawaii) and 1919 (New Mexico).”²² “By the end of the 1950s, according to the *Roe* Court’s own count, statutes in all but four States and the District of Columbia prohibited abortion ‘however and whenever performed, unless done to save or preserve the life of the mother.’”²³ As the Court noted, “[t]his overwhelming consensus endured until the day *Roe* was

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 12 (citation omitted) (alterations in original).

¹⁵ *Id.* at 14–15.

¹⁶ *Id.* at 16.

¹⁷ *Id.*

¹⁸ *Id.* at 20.

¹⁹ *Id.* at 21.

²⁰ *Id.* at 22.

²¹ *Id.* at 23–24.

²² *Id.* at 24.

²³ *Id.* (citing *Roe*, 410 U.S. at 139).

decided.”²⁴ Accordingly, “[t]he inescapable conclusion is that a right to abortion is not deeply rooted in the Nation’s history and traditions. On the contrary, an unbroken tradition of prohibiting abortion on pain of criminal punishment persisted from the earliest days of the common law until 1973.”²⁵

The Court next examined whether “the abortion right is an integral part of a broader entrenched right”²⁶ focusing on its infamous “mystery passage” of *Casey* -- “[a]t the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.”²⁷ The *Dobbs* Court repudiated this statement, explaining that “[w]hile individuals are certainly free to think and to say what they wish about ‘existence,’ ‘meaning,’ the ‘universe,’ and ‘the mystery of human life,’ they are not always free to act in accordance with those thoughts.”²⁸

Further, substantive due process cases involving marriage, contraception, and child-rearing are inherently different from abortion. “Abortion destroys what [*Roe* and *Casey*] call ‘potential life’ and what the law at issue in this case regards as the life of an ‘unborn human being.’”²⁹ Finally, although “[b]oth sides make important policy arguments,” abortion proponents have failed to show how the Supreme Court has authority to weigh those arguments.³⁰

The Court next considered whether *stare decisis* requires adherence to *Roe* and *Casey*. The majority first notes that “[s]ome of our most important constitutional decisions have overruled prior precedents,”³¹ and – in a footnote that spans three pages - lists cases that have “overruled important constitutional decisions.”³² The Court compared abortion jurisprudence to *Plessy v. Ferguson*,³³ in which the Supreme Court instituted the racist “separate but equal” doctrine;” like *Plessy*, “*Roe* was also egregiously wrong and deeply damaging. . . . *Roe*’s constitutional analysis was far outside the bounds of any reasonable interpretation of the various constitutional provisions to which it vaguely pointed.”³⁴ The Court continues, “*Roe* was on a collision course with the Constitution from the day it was decided, *Casey* perpetuated its errors, and those errors do not concern some arcane corner of the law of little importance to the American people.”³⁵

As for the quality of *Roe*’s reasoning, “[*Roe*]... stood on exceptionally weak grounds.”³⁶

Roe found that the Constitution implicitly conferred a right to obtain an abortion, but it failed to ground its decision in text, history, or precedent. It relied on an erroneous

²⁴ Id.

²⁵ Id. at 25.

²⁶ Id. at 30.

²⁷ Id. (citing *Casey*, 505 U.S. at 851).

²⁸ Id. at 30-31.

²⁹ Id. at 32.

³⁰ Id. at 35.

³¹ Id. at 40.

³² Id. at 41 & n.48.

³³ 163 U.S. 537 (1896).

³⁴ *Dobbs*, slip op. at 44.

³⁵ Id.

³⁶ Id. at 45.

historical narrative; it devoted great attention to and presumably relied on matters that have no bearing on the meaning of the Constitution; it disregarded the fundamental difference between the precedents on which it relied and the question before the Court; it concocted an elaborate set of rules, with different restrictions for each trimester of pregnancy, but it did not explain how this veritable code could be teased out of anything in the Constitution, the history of abortion laws, prior precedent, or any other cited source; and its most important rule (that States cannot protect fetal life prior to “viability”) was never raised by any party and has never been plausibly explained. *Roe*’s reasoning quickly drew scathing scholarly criticism, even from supporters of broad access to abortion.³⁷

When the Court revisited the abortion “right” in *Casey*, it “pointedly refrained from endorsing most of its reasoning” and instituted “an arbitrary ‘undue burden’ test.”³⁸

Addressing *Roe*’s flawed analysis of precedents involving constitutional privacy, the Court observed that even though the “[*Roe*] Court found support for a constitutional ‘right of personal privacy,’ . . . it conflated two very different meanings of the term: the right to shield information from disclosure and the right to make and implement important personal decisions without governmental interference.”³⁹ The Court continues: “[o]nly the cases involving this second sense of the term could have any possible relevance to the abortion issue, and some of the cases in that category involved personal decisions that were obviously very, very far afield,”⁴⁰ such as *Pierce v. Society of Sisters*⁴¹ and *Meyer v. Nebraska*.⁴² “What remained was a handful of cases having something to do with marriage . . . or procreation” the Court said, “But none of these decisions involved what is distinctive about abortion: its effect on what *Roe* termed ‘potential life.’”⁴³

Ultimately, the Court said, “[t]he scheme *Roe* produced looked like legislation, and the Court provided the sort of explanation that might be expected from a legislative body,” but failed to “provide . . . any cogent justification for the lines it drew.”⁴⁴ The Court continues, “[a]n even more glaring deficiency was *Roe*’s failure to justify the critical distinction it drew between pre- and post-viability abortions.”⁴⁵ *Roe* justified the viability line with two sentences: “‘With respect to the State’s important and legitimate interest in potential life, the ‘compelling’ point is at viability. This is so because the fetus then presumably has the capability of meaningful life outside the womb.’”⁴⁶ As the *Dobbs* Court recognizes, “clearly, this mistakes ‘a definition for a syllogism.’”⁴⁷ Critics of an unborn child’s legal “personhood” have put forward the “essential attributes . . . are sentience, self-awareness, the ability to reason, or some combination thereof.” As the Court explains, “[b]y this logic, it would be an open

³⁷ *Id.* at 45–46.

³⁸ *Id.* at 46.

³⁹ *Id.* at 48–49.

⁴⁰ *Id.* at 49.

⁴¹ 268 U.S. 510 (1925).

⁴² 262 U.S. 390 (1923).

⁴³ *Dobbs*, slip op. at 49.

⁴⁴ *Id.*

⁴⁵ *Id.* at 50.

⁴⁶ *Id.* at 50 (citing *Roe*, 410 U.S. at 163).

⁴⁷ *Id.* (citations omitted).

question whether even born individuals, including young children or those afflicted with certain developmental or medical conditions, merit protection as ‘persons.’”⁴⁸

Addressing the “workability” component of the stare decisis inquiry, the Court noted that “*Casey*’s ‘undue burden’ test has scored poorly on the workability scale.”⁴⁹ “Problems begin with the very concept of an ‘undue burden.’”⁵⁰ The Court cites Justice Scalia’s partial dissent in *Casey*, which recognized that “determining whether a burden is ‘due’ or ‘undue’ is ‘inherently standardless.’”⁵¹ The undue burden standard’s subsidiary rules “created their own problems.”⁵² “*Casey* provided no clear answer to these questions” and the Court has argued over the proper interpretation of the undue burden test,⁵³ such as in *Whole Woman’s Health v. Hellerstedt*.⁵⁴ As the Court summarized, “[c]ontinued adherence to that standard would undermine, not advance, the ‘evenhanded, predictable, and consistent development of legal principles.’”⁵⁵

Justice Alito recognized that “*Roe* and *Casey* have led to the distortion of many important but unrelated legal doctrines.”⁵⁶ These areas include the strict standard for facial constitutional challenges, third-party standing, res judicata, rules on the severability of unconstitutional provisions, and First Amendment doctrines. Ultimately, “[w]hen vindicating a doctrinal innovation [i.e., a purported abortion right] requires courts to engineer exceptions to longstanding background rules, the doctrine ‘has failed to deliver the principled and intelligible development of the law that stare decisis purports to secure.’”⁵⁷

As to the final stare decisis factor, reliance on precedent, the majority observed that *Casey* had created “a more intangible form of reliance” by concluding that “[P]eople [had] organized intimate relationships and made choices that define their views of themselves and their places in society . . . in reliance on the availability of abortion in the event that contraception should fail” and that “[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.”⁵⁸ The Court notes that this form of reliance is subjective and wryly comments that the “Court is ill-equipped to assess ‘generalized assertions about the national psyche.’”⁵⁹

The majority reiterates that rational basis review is the appropriate litigation standard for abortion lawsuits. “[T]he States may regulate abortion for legitimate reasons, and when such regulations are challenged under the Constitution, courts cannot ‘substitute their social and economic beliefs for the

⁴⁸ Id. at 51.

⁴⁹ Id. at 56.

⁵⁰ Id. at 57.

⁵¹ Id. (citing 505 U.S. at 992).

⁵² Id.

⁵³ Id. at 58–59.

⁵⁴ 579 U.S. 582 (2016).

⁵⁵ Id. at 62.

⁵⁶ Id. at 62.

⁵⁷ Id. at 63 (citations omitted).

⁵⁸ Id. (citing *Casey*, 505 U.S. at 856) (first alteration added).

⁵⁹ Id.

judgment of legislative bodies.”⁶⁰ “A law regulating abortion, like other health and welfare laws, is entitled to a ‘strong presumption of validity,’” and Mississippi’s Gestational Age Act easily passes muster under rational basis review.⁶¹

The Court concludes:

Abortion presents a profound moral question. The Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion. *Roe* and *Casey* arrogated that authority. We now overrule those decisions and return that authority to the people and their elected representatives.”⁶²

Concurring in the opinion, Justice Thomas agreed that “there is no constitutional right to abortion,” but wrote separately to highlight the flaws of substantive due process.⁶³ The Justice describes substantive due process as “an oxymoron that ‘lack[s] any basis in the Constitution.’”⁶⁴ “[T]he Due Process Clause at most guarantees process The resolution of this case is thus straightforward. Because the Due Process Clause does not secure any substantive rights, it does not secure a right to abortion.”⁶⁵ Justice Thomas urged the Court “in future cases [to] reconsider all of this Court’s substantive due process precedents, including *Griswold [v. Connecticut]*,⁶⁶ *Lawrence [v. Texas]*,⁶⁷ and *Obergefell [v. Hodges]*.”⁶⁸ Justice Thomas noted that the Court should consider whether those rights have support elsewhere in the Constitution, such as in the Privileges or Immunities Clause, but the Court would also need to establish “whether the Privileges or Immunities Clause protects any rights that are not enumerated in the Constitution and, if so, how to identify those rights.”⁶⁹

Justice Kavanaugh, concurring in the opinion, wrote separately to highlight what he called the Constitution’s “neutrality” towards abortion and the Court’s role in maintaining this neutral position. The Justice began by recognizing “[a]bortion is a profoundly difficult and contentious issue because it presents an irreconcilable conflict between the interests of a pregnant woman who seeks an abortion and the interests in protecting fetal life.”⁷⁰ Throughout pregnancy, abortion policy weighs one interest over the other.⁷¹ Justice Kavanaugh concludes, “the Constitution is neither pro-life nor pro-choice. The Constitution is neutral, and this Court likewise must be scrupulously neutral.”⁷²

⁶⁰ Id. at 77 (citation omitted).

⁶¹ Id. at 77.

⁶² Id. at 78-79.

⁶³ Dobbs, slip op. at 1 (Thomas, J., concurring).

⁶⁴ Id. at 2 (citations omitted) (alteration in original).

⁶⁵ Id. (emphasis in original).

⁶⁶ 381 U.S. 479 (1965) (recognizing a right of married persons to obtain contraception).

⁶⁷ 539 U.S. 558 (2003) (recognizing a right to engage in private, consensual sexual acts).

⁶⁸ 576 U.S. 644 (2015) (recognizing a right to same-sex marriage); Dobbs, slip op. at 3 (Thomas, J., concurring).

⁶⁹ Id. at 3-4 (emphasis in original).

⁷⁰ Dobbs, slip op. at 1 (Kavanaugh, J., concurring).

⁷¹ Id.

⁷² Id. at 11.

Chief Justice Roberts concurred in the judgment, agreeing with the majority that Mississippi’s fifteen-week gestational limitation is constitutional, but disagreeing with their decision to overturn *Roe* and *Casey*.⁷³ The Chief Justice recognizes “the viability line established by *Roe* and *Casey* should be discarded under a straightforward stare decisis analysis. That line never made any sense.”⁷⁴ However, under principles of judicial restraint and stare decisis, he would maintain the underlying abortion right.⁷⁵ Chief Justice Roberts attempts to resolve the viability issue while still protecting *Roe*’s essential holding. He would institute a new “reasonable opportunity” litigation standard that reviews whether an abortion law “provid[es] an adequate opportunity [for a woman] to exercise the right *Roe* protects.”⁷⁶

The three-Justice dissent of Breyer, Kagan and Sotomayor begins by critiquing the majority’s originalist approach by emphasizing “it is not clear what relevance such early history [as far back as the 13th century] should have,” although some of the “early law in fact does provide some support for abortion rights.”⁷⁷ However, the dissent discourages extensive use of the Fourteenth Amendment’s history because it was ratified by men, and thus “not perfectly attuned to the importance of reproductive rights for women’s liberty, or for their capacity to participate as equal members of our Nation.”⁷⁸ The Justices assert that “the Framers defined rights in general terms, to permit future evolution in their scope and meaning.”⁷⁹ The “applications of liberty and equality can evolve while remaining grounded in constitutional principles, constitutional history, and constitutional precedents,”⁸⁰ the dissent argued.

In light of *Dobbs*, the Supreme Court granted, vacated, and remanded Arizona’s prenatal nondiscrimination lawsuit, *Isaacson v. Brnovich* (D. Ariz. No. 2:21-cv-1417), Arkansas’ prenatal nondiscrimination lawsuit, *Rutledge v. Little Rock Family Planning Services* (8th Cir. No. 19-2690) (Down syndrome) (8th Cir. affirmed preliminarily enjoining enforcement Jan. 5, 2021; cert. filed Apr. 14, 2021) and Indiana’s parental involvement lawsuit, *Box v. Planned Parenthood of Indiana & Kentucky* (No. 20-1375) (application of *Hellerstedt* analysis to parental involvement law) (cert. filed Mar. 29, 2021). *Reproductive Health Services v. Bailey* (11th Cir. No. 17-13561), involving Alabama’s parental notice provision, was voluntarily dismissed by the parties in the wake of *Dobbs*.

The States Take Up the Challenge

Dobbs sounded the death knell for abortion litigation in the federal courts. With *Roe* gone, there is no federal right or interest in abortion. In [*The Attorney General’s Playbook for a Post-Roe World*](#), Americans United for Life has prepared an overview to litigation in a post-*Roe* world. Issues addressed include new challenges to third-party standing by abortionists in federal court and standing under Section 1983 to bring civil rights cases in federal courts.

⁷³ Id. at 1–2 (Roberts, C.J., concurring in the judgment).

⁷⁴ Id. at 1.

⁷⁵ Id.

⁷⁶ Id. at 9.

⁷⁷ Id. at 13 (citation omitted).

⁷⁸ Id. at 14.

⁷⁹ Id. at 16.

⁸⁰ Id. at 18.

Across the nation, federal courts have lifted injunctions against life-affirming laws. Parties similarly have moved to dismiss abortion lawsuits due to mootness after *Dobbs* conclusively established that neither the Fourteenth Amendment nor any other constitutional provision protects abortion.

Litigation continues over “personhood” provisions in Arizona in *Isaacson v. Brnovich* and Georgia in *SisterSong Women of Color Reproductive Justice Collective v. Kemp*. The personhood provisions recognize that unborn children are legal “persons” entitled to protection under their respective state laws.

The State of Texas has sued the United States Department of Health and Human Services over the Emergency Medical Treatment and Labor Act (EMTALA) abortion mandate in *State of Texas v. Becerra*. The abortion mandate requires hospitals and emergency medicine physicians to perform abortions in certain circumstances.

In *Planned Parenthood of the Heartland, Inc. v. Reynolds*, the Iowa Supreme Court reversed its 2018 decision that contrived a fundamental right to abortion under the state constitution. Litigation continues over what litigation standard the state courts should adopt for abortion lawsuits.

Abortionists have filed a flurry of litigation against pre-Roe laws in Texas, West Virginia, and Wisconsin, and conditional laws in Idaho, Kentucky, Louisiana, Mississippi, North Dakota, and Utah. However, abortionists voluntarily dismissed the Mississippi lawsuit after the abortion business was sold and the lawsuit had no legal basis to proceed.

State judiciaries have become battlegrounds over whether state constitutions protect abortion as a “right.” There is a pro-life challenge to Montana’s concocted state abortion right in *Planned Parenthood of Montana v. Montana*. The lawsuit challenging Florida’s 15-week gestational limit in *Planned Parenthood of Southwest and Central Florida v. State of Florida* also implicates a prior state case that manufactured an abortion right. Abortionists have urged state courts to devise state constitutional protections for abortion in other states, including Idaho, Kentucky, Michigan, North Dakota, Ohio, Oklahoma, and Utah.

Other U.S. Supreme Court Cases

In *Cameron v. EMW Women’s Surgical Center* (No. 20-601), the Supreme Court held that the Sixth Circuit erred in denying intervention to Kentucky’s attorney general to defend the state’s dismemberment prohibition, in light of his statutory responsibility for defending state law. https://www.supremecourt.gov/opinions/21pdf/20-601_new_g20h.pdf.

Other Notable Cases

Alabama

Federal Court of Appeals

- ***Reproductive Health Services v. Bailey*** (11th Cir. No. 17-13561) – Abortion parental consent case. The 11th Circuit panel affirmed the district court decision for Reproductive Health Services. The 11th Circuit granted the State’s petition for rehearing en banc Jan. 27, 2022 and held it pending *Dobbs*. Joint motion to voluntarily dismiss appeal filed July 7, 2022, with Reproductive Health Services indicating it intends to dismiss the case.

Federal District Court

- ***Robinson v. Marshall*** (M.D. Ala. No. 2:19-cv-365) – Abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions. The district court granted a preliminary injunction. Parties briefed the district court’s order to clarify the remaining issues from July 6, 2020. District court granted State’s emergency motion to dissolve the preliminary injunction June 24, 2022. Voluntarily dismissed June 30, 2022.

State Court

- ***Stone v. West Alabama Women’s Center, Inc.*** (Ala. Cir. Ct. No. 63-CV-2021-900997.00) – Medical malpractice case regarding abortion. Complaint filed Nov. 11, 2021. Awaiting answer as of June 13, 2022.
- ***Burdick-Aysenne v. The Center for Reproductive Medicine, P.C.*** (Ala. Cir Ct. No. 02-CV-2021-901640.00) – Wrongful death case regarding the destruction of cryogenically frozen human embryos. Court granted the motion to dismiss regarding the wrongful death claim Apr. 12, 2022

Alaska

State Court

- ***Planned Parenthood Great Northwest, Hawaii, Alabama, Indiana, Kentucky v. State of Alaska*** (Alaska Super. Ct. No. 3AN-19-11710CI) – Chemical abortion (physician-only rule) case. The court issued a preliminary injunction. Trial reset for the week of Mar. 28, 2023.

Arizona

Federal District Court

- ***Isaacson v. Brnovich*** (D. Ariz. No. 2:21-cv-1417) – Abortion prenatal nondiscrimination (sex, race, and disability) and prenatal rights (personhood) case. Abortionists filed emergency motion for preliminary injunction June 25, 2022, which is set for oral argument on July 8, 2022. State filed notice of *Dobbs* order and suggestion of mootness June 30, 2022. Supreme Court granted, vacated, and remanded the case for further consideration in light of *Dobbs* July 1, 2022. District court granted abortionists’ motion for a preliminary injunction regarding the personhood provision July 11, 2022.

Arkansas

U.S. Supreme Court

- ***Rutledge v. Little Rock Family Planning Services*** (No. 20-1434) – Abortion gestational limits (18-week), health and safety (physician-only rule), and prenatal nondiscrimination (Down syndrome) case. The 8th Circuit affirmed the preliminary injunction. State filed cert. petition on Down syndrome issue only. Supreme Court granted, vacated, and remanded for further consideration in light of *Dobbs* June 30, 2022. Abortionists filed a notice of voluntary dismissal July 15, 2022 in district court (E.D. Ark. No. 4:15-cv-784). [Amicus curiae brief filed on behalf of Americans United for Life.](#)

Federal Court of Appeals

- ***Hopkins v. Jegley*** (8th Cir. No. 21-1068) – Abortion gestational limits (dismemberment), fetal remains, and prenatal nondiscrimination (sex) case. Amended complaint filed. Preliminary injunction issued Jan. 5, 2021. Appealed to 8th Circuit and held in abeyance pending *Dobbs*. State filed motion for summary vacatur July 1, 2022. Abortionists filed notice of voluntary dismissal in trial court July 5, 2022 (E.D. Ark. No. 4:17-cv-404). Case dismissed July 13, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)
- ***Little Rock Family Planning Services v. Jegley*** (8th Cir. No. 21-2857) – Abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions. Preliminary injunction issued July 20, 2021. Appealed to 8th Circuit and held in abeyance pending *Dobbs*. State filed emergency motion for stay of the injunction and for summary reversal July 24, 2022. 8th Circuit denied State’s motion for a stay of injunction on the ground that the State should seek a stay from the district court in the first instance but requested abortionists to respond to State’s request for summary reversal. Abortionists filed a motion to voluntarily dismiss the case in district court July 6, 2022 (E.D. Ark. 4:21-cv-453).

Federal District Court

- ***Planned Parenthood of Arkansas & Eastern Oklahoma, Inc. v. Gillespie*** (E.D. Ark. No. 4:15-cv-566) – Abortion funding (Medicaid) case. Preliminary injunction denied July 30, 2018. Proceedings currently stayed due to COVID-19 pandemic. Joint stipulation of voluntary dismissal filed July 7, 2022.

California

Federal Court of Appeals

- ***A.B. v. Chart, Inc.*** (9th Cir. No. 21-17016) – In vitro fertilization case. Judgment following jury verdict for plaintiffs against Chart Industries. Chart Industries appealed. Released from mediation program May 23, 2022. Currently in briefing.
- ***California v. Azar*** (9th Cir. Nos. 20-16045 (lead case), 20-15398, 20-15399) – Conscience rights case regarding HHS conscience protection rule. Held in abeyance pending HHS rulemaking. Status report due Apr. 1, 2022.
- ***National Abortion Federation v. Center for Medical Progress*** (Nos. 21-15953 (lead), 21-15955, 21-16983) – Free speech case regarding David Daleiden’s undercover videos. District court

granted NAF’s motion for summary judgment and permanent injunction. CMP appealed to 9th Circuit. Currently in briefing. Oral argument set for Aug. 10, 2022.

- ***Planned Parenthood Federation of America v. Center for Medical Progress*** (9th Cir. Nos. 20-16068, 20-16070, 20-16773, 20-16820) – Free speech case regarding David Daleiden’s undercover videos. District court issued permanent injunction. 9th Circuit heard oral argument on Apr. 21, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal District Court

- ***California v. U.S. Department of Health and Human Services*** (N.D. Cal. No. 4:17-cv-5783) – Conscience rights case regarding Affordable Care Act’s contraception mandate. Stayed pending rulemaking. Case management conference held May 17, 2022.
- ***Christian Medical & Dental Associations v. Bonta*** (C.D. Cal. No. 5:22-cv-335) – Assisted suicide and rights of conscience case challenging the removal of conscience protections from the End of Life Option Act. Complaint filed Feb. 22, 2022. Hearing on motion for preliminary injunction reset for July 8, 2022. Hearing on motion to dismiss set for Sept. 16, 2022.
- ***Shavelson v. California Department of Health*** (N.D. Cal. No. 3:21-cv-6654) – Assisted suicide case challenging, under federal disability rights laws, to expand End of Life Option Act to active euthanasia of persons with disabilities. Amended complaint filed. Held hearing regarding motion to dismiss Apr. 14, 2022.
- ***Skyline Wesleyan Church v. California Department of Health*** (S.D. Cal. No. 3:16-cv-501) – Conscience rights case regarding California abortion insurance mandate. 9th Circuit reversed in part, vacated in part, and remanded Aug. 19, 2020. Awaiting decision on cross-motions for summary judgment.

Colorado

No cases reported

Connecticut

Federal District Court

- ***Pregnancy Support Ctr., Inc. v. Tong*** (D. Conn. No. 3:21-cv-1346) – Free speech case regarding anti-pregnancy center law. Complaint filed Oct. 12, 2021. Answer entered Dec. 7, 2021. Dispositive motions due May 19, 2023 (plaintiffs) and June 16, 2023 (defendant). Trial ready date is June 12, 2023, or within 30 days of filing the joint trial memorandum (due by April 28, 2023, or 30 days after the Court rules on any dispositive motion).

State Court

- ***Lafo v. Ward*** (Conn. Super. Ct. Nos. LLI-CV21-6029507-S, LLI-CV22-6029930-S) – Medical malpractice case against a certified nurse midwife for prescribing abortion inducing-drugs at 22 weeks gestation. Complaint filed Nov. 5, 2021. Ward filed a motion to dismiss Jan. 5, 2022. Planned Parenthood filed a motion to strike May 25, 2022. Scheduling order entered June 9, 2022: dispositive motions and their responses due Feb. 15 and April 15, 2024.

Delaware

State Court

- ***State of Delaware v. City of Seaford*** (Del. Ch. No. 2022-0030) – Fetal remains case concerning state preemption over a city ordinance. Complaint filed Jan. 11, 2022. Hearing held on cross-motions for summary judgment May 12, 2022. Court granted summary judgment for State, finding that the state law preempted the city’s ordinance June 29, 2022.

District of Columbia

Federal Appeals Court

- ***State of Illinois v. Ferriero*** (D.C. Cir. No. 21-5096) – Equal Rights Amendment case with abortion policy implications. District court granted motion to dismiss Mar. 5, 2021. Briefed and awaiting oral argument schedule before the D.C. Circuit.
- ***Frederick Douglass Foundation, Inc. v. District of Columbia*** (D.C. Cir. No. 21-7108) – Free speech case alleging pro-life viewpoint discrimination. District court granted motion to dismiss Sept. 1, 2021. Appealed to the D.C. Circuit. Brief filed by D.C. May 20, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal District Court

- ***North Texas Equal Access Fund v. America First Legal Foundation*** (D.D.C. No. 1:22-cv-728) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Plaintiff filed motion for summary judgment April 15, 2022. Defendant filed motion to defer or summarily deny plaintiff’s motion for summary judgment. Court permitted defendant not to respond further to motion for summary judgment until schedule is established. Defendant filed motion to dismiss for lack of jurisdiction April 22, 2022. Currently in briefing on motion to dismiss.

Florida

State Court

- ***Gainesville Woman Care, LLC v. State of Florida*** (Fla. Cir. Ct. No. 2015-CA-1323) – Abortion informed consent (24-hour reflection period) case. Trial court granted State’s motion for summary final judgment and denied abortion clinic’s motion to stay Apr. 8, 2022. Final judgment entered in favor of the State on April 25, 2022.
- ***Planned Parenthood of Southwest and Central Florida v. State of Florida*** (Fla. Dist. Ct. App. No. 1D22-2034) – Abortion gestational limits (15-week) case implicating the state constitutional abortion “right.” Complaint filed June 1, 2022. Trial court granted temporary injunction July 5, 2022. Abortionists filed emergency motion to vacate automatic stay of temporary injunction July 5, 2022. Appealed to Florida First District Court of Appeal July 5, 2022.

Georgia

Federal Appeals Court

- ***SisterSong Women of Color Reproductive Justice Collective v. Kemp*** (11th Cir. No. 20-13024) – Abortion gestational limits (heartbeat) and prenatal rights (personhood) case. District court issued permanent injunction. 11th Circuit oral argument held Sept. 24, 2021. Stayed pending *Dobbs*. 11th Circuit ordered supplemental briefing on *Dobbs*’ effect upon litigation, which was filed July 15, 2022. In briefing, abortionists urged the Court to affirm the permanent injunction against the personhood provision.

Guam

Federal Court of Appeals

- ***Raidoo v. Camacho*** (9th Cir. No. 21-16559) – Chemical abortion (telemedicine) case. District court granted preliminary injunction Sept. 7, 2021. Appealed and stayed pending *Dobbs*. State filed opposed motion for summary reversal June 28, 2022.

Hawaii

Federal District Court

- ***Chelius v. Becerra*** (D. Haw. No. 1:17-cv-493) – Chemical abortion case challenging Mifeprex REMS. Stayed pending agency rulemaking. Status report filed Nov. 3, 2021. No recent major action.

Idaho

Federal District Court

- ***Planned Parenthood of the Great Northwest & the Hawaiian Islands v. Wasden*** (D. Idaho No. 1:18-cv-555) – Abortion health and safety (physician-only rule) case. Denied State’s motions for reconsideration and summary judgment Sept. 30, 2021. Stayed pending *Dobbs*. District court granted stipulation of voluntary dismissal July 18, 2022.

State Court

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho*** (Idaho No. 49615-2022) – Petition for a writ of prohibition and application for declaratory judgment of a Texas S.B. 8-style heartbeat law (Idaho S.B. 1309) filed. Expedited briefing granted. Implementation of bill stayed pending further court action Apr. 8, 2022. Denied motion to vacate stay May 20, 2022. Hearing set for Aug. 3, 2022.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho*** (Idaho No. 49817-2022) – Abortion conditional law case. Verified petition for writ of prohibition and application for declaratory judgment filed June 27, 2022. Hearing set for Aug. 3, 2022.

Illinois

Federal District Court

- ***Braid v. Stilley*** (N.D. Ill. No. 1:21-cv-5283) – Abortion gestational limits case regarding Texas S.B. 8 heartbeat law. Complaint for interpleader and declaratory judgment filed. Granted interpleader. Certified constitutional challenge. Defendant Gomez appealed. Denied petition for a writ of mandamus, motion to stay appeal, and motion to voluntarily dismiss without prejudice Feb. 28, 2022. Appeal voluntarily dismissed. Currently in briefing before district court regarding Braid’s motion for summary judgment. District court granted Braid’s motion for a preliminary injunction and plaintiff’s motion for temporary restraining order on June 08, 2022. Motion hearing held June 22, 2022. Amended motion to dismiss filed June 24, 2022.
- ***National Institute of Family and Life Advocates v. Rauner*** (N.D. Ill. No. 3:16-cv-50310) – Free speech case regarding anti-pregnancy center law. Denied plaintiffs’ motions to amend and to certify for interlocutory appeal the court’s order denying plaintiffs’ motion for summary judgment. Hearing on State’s motion for summary judgment held Mar. 18, 2022. Briefing schedule issued, requiring motions to be filed by July 11, 2022.
- ***North Texas Equal Access Fund v. Thomas More Society*** (N.D. Ill. No. 1:22-cv-1399) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Complaint filed Mar. 16, 2022. Defendant filed motion to dismiss for lack of jurisdiction April 28, 2022. Currently in briefing.

Indiana

U.S. Supreme Court

- ***Box v. Planned Parenthood of Indiana & Kentucky*** (No. 20-1375) – Abortion parental notice case regarding application of *Hellerstedt* standard. Cert. petition filed Mar. 29, 2021. Set for conference June 24, 2021. Supreme Court granted, vacated, and remanded the case for further consideration in light of *Dobbs* June 30, 2022. In the trial court (S.D. Ind. No. 1:17-cv-1636), the State filed a motion to vacate the preliminary injunction June 27, 2022. 7th Circuit vacated and remanded per Supreme Court order July 18, 2022 (7th Cir. No. 17-2428). [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal Court of Appeals

- ***Whole Woman’s Health Alliance v. Rokita*** (7th Cir. Nos. 21-2573, 21-2480) – Omnibus abortion case regarding chemical abortion, hospital-only, telemedicine, facility health and safety, and informed consent provisions. District court permanently enjoined certain provisions. 7th Circuit granted stay pending appellate resolution. Oral argument held Jan. 12, 2022. Held in abeyance pending *Dobbs*. Joint stipulation entered June 28, 2022 in trial court (S.D. Ind. No. 1:18-cv-1904) indicating abortionists will not seek surgical or chemical abortion license for at least forty-five days. 7th Circuit vacated and remanded July 11, 2022.

Federal District Court

- ***All-Options, Inc. v. Attorney General of Indiana*** (S.D. Ind. No. 1:21-cv-1231) – Abortion health and safety (clinic licensing) case. Granted preliminary injunction June 30, 2021. Denied motion to stay proceedings pending *Dobbs* and *Whole Woman’s Health Alliance*, but

essentially granted in part to the extent that the court *sua sponte* rescheduled discovery deadlines. The court granted in part and denied in part plaintiffs’ motion for a protective order Apr. 20, 2022. Status conference set for Aug. 31, 2022.

- ***Bernard v. Individual Members of the Indiana Medical Licensing Board*** (S.D. Ind. 1:19-cv-1660) – Abortion gestational limits (dismemberment) case. Granted plaintiffs’ motion to continue trial, denied plaintiffs’ motion to stay all proceedings Sept. 15, 2021. District court vacated preliminary injunction July 7, 2022. State filed motion for judgment on the pleadings July 8, 2022.
- ***Irish 4 Reproductive Health v. U.S. Department of Health and Human Services*** (N.D. Ind. No. 3:18-cv-491) – Conscience rights case regarding pro-choice challenge to Notre Dame’s exception to contraception mandate. Stayed pending rulemaking. Status report filed Feb. 15, 2022.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky, Inc. v. Marion County Prosecutor*** (S.D. Ind. No. 1:18-cv-1219) – Abortion reporting case. 7th Circuit reversed summary judgment in favor of Planned Parenthood and remanded. Planned Parenthood’s petition for rehearing en banc denied. Planned Parenthood filed motion for preliminary injunction Nov. 1, 2021. Parties have briefed the motion for a preliminary injunction. Consolidated hearing on motion for preliminary injunction and trial on the merits reset to Sept. 08, 2022.

Iowa

State Court

- ***Planned Parenthood of the Heartland, Inc. v. Reynolds*** (Iowa No. 21-0856) – Abortion informed consent (24-hour reflection period) case. Trial court granted Planned Parenthood’s motion for summary judgment and permanently enjoined the law. Appealed to Iowa Supreme Court. Iowa Supreme Court held abortion is not a fundamental right under the state constitution June 17, 2022. State’s application for rehearing regarding litigation standard denied July 5, 2022.

Kansas

State Court

- ***Hodes & Nausser v. Schmidt*** (Kan. No. 124130) – Abortion gestational limits (dismemberment) case. Granted plaintiffs’ motion for summary judgment to permanently enjoin the law Apr. 7, 2021. Appealed to Kansas Supreme Court. Briefed and awaiting oral argument schedule.
- ***Hodes & Nausser v. Stanek*** (Kan. No. 125051) – Health and safety (licensing) and chemical abortion (telemedicine) case. Trial court granted plaintiff’s motion for summary judgment. State appealed. State’s brief due Aug. 1, 2022.
- ***Trust Women Foundation Inc. v. Bennett*** (Kan. Ct. App. No. 121693) – Chemical abortion (telemedicine) case. State court of appeals reversed denial of temporary injunction and held that Trust Women had standing to sue the Board of Healing Arts on May 20, 2022.

Kentucky

Federal Court of Appeals

- ***EMW Women’s Surgical Center, P.S.C. v. Friedlander*** (6th Cir. No. 19-5516) – Abortion gestational limits (dismemberment) case. Sixth Circuit affirmed permanent injunction. SCOTUS granted cert. and held the Sixth Circuit erred in denying the Kentucky Attorney General’s motion to intervene on the commonwealth’s behalf in litigation. State filed petition for rehearing en banc in the Sixth Circuit Apr. 4, 2022. State filed supplemental citation of authority regarding *Dobbs* June 28, 2022.
- ***Sisters for Life, Inc. v. Louisville-Jefferson County, KY Metro Government*** (6th Circuit Nos. 22-5150 (lead), 22-5151) – Sidewalk counselors case challenging buffer zone law. Second amended complaint filed. Denied motion for preliminary injunction Feb. 25, 2022. Appealed to Sixth Circuit. Currently in briefing.

Federal District Court

- ***Clark v. Bendapudi*** (W.D. Ky. No. 3:21-cv-480) – Free speech case regarding pro-life viewpoint discrimination. Amended complaint filed. Motion to dismiss filed and parties briefed the motion. Matter referred to a magistrate judge April 01, 2022.
- ***EMW Women’s Surgical Center v. Friedlander*** (W.D. Ky. No. 3:17-cv-189) – Abortion health and safety (transfer agreement) case. Intervenor defendant’s motion for summary judgment filed July 30, 2021. Plaintiffs’ response brief held in abeyance pending court review of parties’ post-trial briefs. Intervenor-defendant’s motion for summary judgment administratively remanded, to be reinstated by subsequent order, on March 18, 2022.
- ***EMW Women’s Surgical Center v. Friedlander*** (W.D. Ky. No. 3:19-cv-178) – Abortion gestational limits (heartbeat), prenatal nondiscrimination (sex, race, color, national origin, disability) case, and omnibus challenge to comprehensive abortion bill (H.B. 3). Temporary injunction issued. Plaintiffs filed motion to stay proceedings Nov. 19, 2021. Intervenor Defendant’s motion to dissolve temporary restraining order filed Feb. 4, 2022. Intervenor Defendant filed emergency motion for a ruling and/or a hearing on motion to dissolve temporary restraining order Mar. 4, 2022. Proceedings partially stayed pending *Dobbs*. Abortion clinic filed motion to expedite leave to file a supplemental complaint, which will challenge Kentucky H.B. 3, and motion for temporary restraining order Apr. 14, 2022. Response to Motion to Dissolve Temp. Restraining Order filed on April 15, 2022. Reply made April 22, 2022. District court granted State’s motion to dissolve temporary restraining orders, and abortionists’ voluntary motion to dismiss.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron*** (W.D. Ky. No. 3:22-cv-198) – Omnibus abortion lawsuit challenging comprehensive abortion bill, Ky. H.B. 3. Court granted preliminary injunction in part, enjoining defendants from enforcing H.B. 3 until the Cabinet creates a means for compliance and stayed litigation of the 15-week gestational limit pending *Dobbs*. District court denied Cameron’s motion to stay pending appeal May 26, 2022. Cameron appealed. 6th Circuit remanded to district court for

further proceedings consistent with *Dobbs* June 30, 2022. District court partially dissolved preliminary injunction July 14, 2022.

State Court

- *EMW Women’s Surgical Center, P.S.C. v. Cameron* (Ky. Cir. Ct. No. 22-CI-3225) – Abortion conditional law and gestational limits (6-week) case. Complaint filed June 27, 2022. Court issued temporary restraining order June 29, 2022. Kentucky Court of Appeals affirmed July 2, 2022. State filed petition for a writ of mandamus and prohibition in Kentucky Supreme Court July 5, 2022 (Ky. No. 2022-SC-0266). Kentucky Supreme Court denied State’s motion for intermediate relief July 5, 2022.

Louisiana

Federal District Court

- *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 3:18-cv-176) – Abortion health and safety (clinic licensing) case. 5th Circuit panel affirmed in part, reversed in part, and remanded regarding the district court’s denial of State’s motion to dismiss. 5th Circuit granted Planned Parenthood’s petition for rehearing en banc, denied plaintiffs’ motion to dismiss the interlocutory appeal, and remanded for further proceedings Jan. 20, 2022. District court stayed proceedings pending *Dobbs*.
- *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 3:15-cv-565) – Abortion funding (Medicaid) case. Stayed pending outcome of 5th Circuit rehearing en banc of *Planned Parenthood of Greater Texas Family Planning & Preventative Health Services, Inc. v. Smith* and the 5th Circuit appeal in *Planned Parenthood Gulf Coast, Inc. v. Gee*. Denied motion to vacate the preliminary injunction Apr. 7, 2021.

State Court

- *June Medical Services, LLC v. Landry* (La. Dist. Ct. No. 22-5633) – Abortion conditional law case. Complaint filed June 27, 2022. Temporary restraining order issued June 27, 2022. Hearing set for July 8, 2022. State filed a request for priority consideration and stay of temporary restraining order in Louisiana Supreme Court July 2, 2022. Permitted to go into effect July 8, 2022. Second temporary restraining order issued July 11, 2022.

Maine

No cases reported

Maryland

No cases reported

Massachusetts

State Court

- *Kligler v. Healey* (Mass. No. SJC-13194) – Assisted suicide case regarding decriminalization for physicians. Trial court partially granted (free speech) and partially denied (equal protection) plaintiffs’ motion for summary judgment and partially granted (involuntary manslaughter) and

partially denied (free speech) defendants’ motion for summary judgment. Supreme Judicial Court *sua sponte* accepted plaintiffs’ appeal. Oral argument held Mar. 9, 2022. Supreme Judicial Court ordered supplemental briefing of *Dobbs*’ effect upon substantive due process analysis July 7, 2022. [AUL’s amicus curiae brief on behalf of Christian Medical & Dental Associations](#).

Michigan

State Court

- ***In re Executive Message of the Governor Requesting the Authorization of a Certified Question*** (Mich. No. 164256) – Governor Whitmer asking for authorization for the trial court in *Whitmer v. Linderman* to certify three constitutional questions to the state supreme court. Filed Apr. 7, 2022. Right to Life of Michigan filed motion to intervene Apr. 21, 2022. Court directed further briefing May 20, 2022.
- ***In re Jarzynka*** (Mich. Ct. App. No. 361470) – Complaint for an order of superintending control over *Planned Parenthood of Mich. v. Att’y Gen. of the State of Mich.* after a judge who supports Planned Parenthood issued a preliminary injunction against Michigan’s pre-*Roe* law and the attorney general openly applauded the order. Parties briefed whether Michigan Court of Appeals has jurisdiction.
- ***Planned Parenthood of Michigan v. Attorney General of the State of Michigan*** (Mich. Ct. Cl. No. 22-000044-MM) – Abortion case challenging pre-*Roe* law. Complaint filed Apr. 7, 2022. Preliminary injunction issued regarding Mich. Comp. Laws § 750.14 on May 17, 2022. Granted state legislators’ motion to intervene June 15, 2022. Plaintiffs filed motion for summary disposition June 29, 2022.
- ***Whitmer v. Linderman*** (Mich. Cir. Ct. No. 2022-193498-CZ) – Abortion case challenging pre-*Roe* law. Complaint filed Apr. 7, 2022. Michigan Right to Life filed a motion to intervene May 4, 2022. Motion for summary disposition filed May 6, 2022. Trial set for Feb. 23, 2023.

Minnesota

Federal District Court

- ***Final Exit Network, Inc. v. Stuart*** (D. Minn. No. 0:21-cv-01235) – Assisted suicide case regarding free speech. Granted in part (void for vagueness and § 1983), denied in part (as-applied challenge) State’s motion to dismiss Feb. 3, 2022. Case stayed through Aug. 8, 2022, or until further order of the Court.

State Court

- ***Doe v. State of Minnesota*** (Minn. Dist. Ct. No. 62-CV-19-3868) – Omnibus abortion case regarding health and safety, reporting, informed consent, fetal remains, and parental notification provisions. Partially granted (dismissal of State and church’s challenge to advertising law) and partially denied (remaining motion) State officials’ motion for summary judgment Nov. 22, 2021. Trial court granted in part and denied in part abortionists’ motion for summary judgment July 11, 2022, permanently enjoining the physician-only rule,

hospitalization law, felony penalties, two-parent notification, informed consent disclosures, physician disclosures, and reflection period provisions.

Mississippi

U.S. Supreme Court

- ***Dobbs v. Jackson Women's Health Organization*** (No. 19-1392) – Abortion gestational limits (15-week) case. Supreme Court overturned *Roe v. Wade*, upheld Mississippi's Gestational Age Act, and returned the abortion issue to the democratic process June 24, 2022. [Amicus curiae brief on behalf of Americans United for Life](#). [AUL's amicus curiae brief on behalf of 228 members of Congress](#).

Federal District Court

- ***GenBioPro, Inc. v. Dobbs*** (S.D. Miss. No. 3:20-cv-652) – Chemical abortion case regarding a generic Mifepristone manufacturer alleging preemption and Commerce Clause violations. Hearing on motion to dismiss for lack of jurisdiction June 8, 2022. State filed response to court's inquiry regarding *Dobbs*' effect June 30, 2022.
- ***Jackson Women's Health Organization v. Dobbs*** (S.D. Miss. No. 3:18-cv-171) – Abortion omnibus challenge regarding gestational limits, informed consent, and health and safety provisions. Granted preliminary injunction. Stayed pending *Dobbs*.

State Court

- ***Jackson Women's Health Organization v. Dobbs*** (Miss. Ch. Ct. No. 25CH1:22-cv-00739) – Abortion conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 27, 2022. Chancery court denied abortionists' motion for a preliminary injunction and held that *Pro-Choice Mississippi v. Fordice*, 716 So. 2d 645 (Miss. 1998), is no longer good law July 5, 2022. Abortionists filed notice of voluntary dismissal July 19, 2022.

Missouri

Federal Court of Appeals

- ***Reproductive Health Services of Planned Parenthood of the St. Louis Region, Inc. v. Parson*** (8th Cir. Nos. 19-2882, 19-3134) – Gestational limits (8-week, 14-week, 18-week, 20-week) and prenatal nondiscrimination (Down syndrome, sex, race) case. District court partially granted [gestational limits] and partially denied [prenatal nondiscrimination provisions] preliminary injunction for Reproductive Health Services. District court granted motion for reconsideration and modified preliminary injunction to include Down syndrome provision. 8th Cir. en banc oral argument held Sept. 21, 2021. 8th Circuit vacated preliminary injunction and remanded for further proceedings July 8, 2022. District court granted abortionists' request to dismiss the case without prejudice July 13, 2022. [Amicus curiae brief on behalf of Americans United for Life](#).

Montana

State Court

- ***Planned Parenthood of Montana v. Montana*** (Mont. No. DA 21-0521) – Abortion “minibus” case regarding 20-week limit, chemical abortion, ultrasound viewing, and fetal heart tone provisions. Granted preliminary injunction Oct. 7, 2021. The Montana Supreme Court currently is considering the appeal on submission of the briefs. State filed supplemental briefing regarding *Dobbs* decision on June 27, 2022, noting “the *Armstrong* Court inextricably linked Montana’s right to privacy to the decision in *Roe*.”
- ***Weems v. Montana*** (Mont. No. DA 22-0207) – Abortion challenge to expand health and safety law to include APRNs as abortion providers. Trial court issued a permanent injunction, permitting APRNs to provide abortions Feb. 25, 2022. State appealed to Montana Supreme Court Apr. 25, 2022. Appellants’ brief due Aug. 5, 2022.
- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DDV-2013-407) – Abortion challenge to parental consent law. Trial court preliminarily enjoined law June 28, 2013. Case stalled with little action. Attorney General issued an advisory clarifying state of parental involvement laws Jan. 28, 2022. Trial court issued order denying to lift the preliminary injunction Apr. 28, 2022

Nebraska

No cases reported

Nevada

State Court

- ***Howell v. Frazier*** (Nev. No. 83224) – Raising the issue of the constitutionality of a pre-*Roe* abortion statute that criminalizes self-induced abortion following 24-weeks gestation. A judge granted relief in finding that the woman’s guilty plea was entered in violation of her Sixth and Fourteenth Amendment rights. Nevada Supreme Court accepted case and permitted constitutional challenge. Currently in briefing.

New Hampshire

No cases reported

New Jersey

State Court

- ***Petro v. Grewal*** (N.J. Superior Ct. App. Div. No. A-003837-19) – Assisted suicide case regarding pro-life challenge to N.J. Medical Aid in Dying Law for the Terminally Ill Act. Trial court granted State’s motion to dismiss for lack of standing and failure to state a claim upon which relief may be granted Apr. 1, 2020. On appeal in the appellate division. No recent action reported.

New Mexico

No cases reported

New York

Federal Court of Appeals

- ***CompassCare, First Bible Baptist Church and NIFLA v. Cuomo*** (2d Cir. Nos. 22-951 [lead], 22-1076) – Conscience rights case regarding the abortion-related “Boss Bill.” Cross-motions for summary judgment filed May 21, 2021. Briefed cross-motions. Granted plaintiffs’ motion for summary judgment, denied defendants’ motion for summary judgment, and permanently enjoined defendants from enforcing N.Y. Labor Law § 203-e(6) against any employer Apr. 1, 2022. Appeal and cross-appeal filed. 2d Circuit held in abeyance pending *Slattery v. Cuomo* (2d Cir. No. 21-911).
- ***New York v. U.S. Department of Health & Human Services*** (2d Cir. Nos. 19-4254 [lead], 20-31, 20-32, 20-41) – Conscience rights case regarding HHS conscience protection rule. Preliminary injunction issued. Appealed to 2d Circuit. Held in abeyance pending rulemaking. Status report filed June 8, 2022.
- ***Slattery v. Cuomo*** (2d Cir. No. 21-911) – Conscience rights case regarding the abortion-related “Boss Bill.” District court granted motion to dismiss. Oral argument held Nov. 29, 2021.
- ***The Center for Medical Progress v. Planned Parenthood Federation of America*** (2d Cir. No. 21-2068) – Free speech case regarding David Daleiden’s undercover videos. District court granted Planned Parenthood’s motion to dismiss Daleiden’s defamation suit for failure to state a claim. CMP appealed. 2d Circuit panel affirmed. Denied petition for panel rehearing, or, in the alternative, for rehearing en banc May 10, 2022.

Federal District Court

- ***Smith v. Hochul*** (N.D. N.Y. No. 5:21-cv-35) – Prenatal rights case regarding rights of viable unborn children and domestic violence under Reproductive Health Act. Granted in part and denied in part motion to dismiss and ordered that the case be closed Oct. 26, 2021. Appealed to 2d Circuit. Appeal stayed pending district court’s decision on plaintiffs’ motions to alter, amend or vacate the final judgment.

State Court

- ***Roman Catholic Diocese of Albany v. Vullo*** (N.Y. App. Div. No. 529350) – Conscience rights case regarding mandatory insurance coverage of “medically necessary abortions.” Supreme Court granted, vacated, and remanded in light of *Fulton v. Philadelphia*, 141 S. Ct. 1868 (2020), Nov. 1, 2021. A New York Supreme Court affirmed the grant of the State’s motion for summary judgment June 2, 2022.

North Carolina

State Court

- ***Planned Parenthood South Atlantic v. Moore*** (N.C. Super. Ct. No. 20-cvs-500147) – Abortion omnibus challenge regarding 72-hour reflection period, clinic licensing, physician-only,

telehealth, and informed consent provisions. Partially denied (subject matter jurisdiction and standing) and partially declined to rule on (failure to state a claim) motion to dismiss May 28, 2021. Case assigned to three-judge panel. Motion hearing set for Apr. 28, 2022.

North Dakota

Federal District Court

- ***American Medical Association v. Stenehjem*** (D. N.D. No. 1:19-cv-125) – Chemical abortion (pill reversal) case. Granted preliminary injunction. Bench trial set for May 1, 2023.

State Court

- ***Access Independent Health Services, Inc. v. Wrigley*** (N.D. Dist. Ct. No. 08-2022-CV-01608) – Abortion conditional law case. Complaint and motion for temporary restraining order and preliminary injunction filed July 7, 2022.

Ohio

Federal Court of Appeals

- ***State of Ohio v. Becerra*** (6th Cir. No. 21-4235) – Abortion funding case regarding pro-life challenge that HHS’ 2021 final rule violates abortion funding restrictions. District court denied plaintiffs’ motion for a preliminary injunction. Plaintiffs appealed. 6th Circuit denied plaintiffs’ motion for a temporary injunction pending appeal Feb. 8, 2022. Briefed and awaiting oral argument schedule. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal District Court

- ***Planned Parenthood Southwest Ohio Region v. Yost*** (S.D. Ohio No. 1:19-cv-118) – Gestational limits (15-week) case. Preliminary injunction granted in part Apr. 18, 2019. Stayed pending *Cameron v. EMW Women’s Surgical Center*. District court granted State’s emergency motion to vacate preliminary injunction June 24, 2022. State filed motion for judgment on the pleadings June 30, 2022. Abortionists filed voluntary motion to dismiss July 1, 2022, which is opposed by the State.
- ***Preterm-Cleveland v. Attorney General of Ohio*** (S.D. Ohio No. 1:19-cv-360) – Gestational limits (heartbeat) case. Stayed pending final disposition of all appeals and petitions for cert. in *Preterm-Cleveland v. Himes* (6th Cir. No. 18-3329), and *Memphis Center for Reproductive Health v. Slatery* (6th Cir. No. 20-5969). District court granted State’s emergency motion to vacate preliminary injunction June 24, 2022. District court granted abortionists’ unopposed motion to voluntarily dismiss July 7, 2022.
- ***Preterm-Cleveland v. Himes*** (S.D. Ohio No. 1:18-cv-109) – Prenatal nondiscrimination (Down syndrome) case. 6th Circuit en banc reversed the preliminary injunction. State filed motion for judgment on the pleadings May 27, 2021. Preterm filed cross-motion for judgment on the pleadings and motion to stay June 17, 2021. No recent action.

State Court

- ***Planned Parenthood Southwest Ohio Region v. Ohio Department of Health*** (Ohio Ct. C.P. No. A2100870) – Fetal remains case. Amended complaint filed. Granted preliminary injunction. Answer filed Feb. 28, 2022. Court granted abortionists’ motion to stay proceedings July 6, 2022.
- ***Planned Parenthood Southwest Ohio Region v. Ohio Department of Health*** (Ohio Ct. C.P. No. A2101148) – Chemical abortion (telemedicine) case. Preliminary injunction issued. Denied motion to dismiss. Answer filed Dec. 1, 2021. Court granted abortionists’ motion to stay proceedings July 13, 2022.
- ***State ex rel. Preterm-Cleveland v. Yost*** (Ohio No. 2022-0803) – Abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion right. Complaint filed June 29, 2022. Ohio Supreme Court denied motion for emergency stay July 1, 2022.
- ***Women’s Med. Grp. Pro. Corp. v. Vanderhoff*** (Ohio Ct. C.P. No. A2200704) – Abortion health and safety case challenging licensing requirements in S.B. 157. Defendants filed motion to dismiss, or in the alternative, for summary judgment. Trial court granted preliminary injunction effective until June 21, 2022. Plaintiffs filed second motion for preliminary injunction. Denied State’s motion to dismiss, or in the alternative, for summary judgment June 13, 2022. Granted plaintiffs’ motion for preliminary injunction June 17, 2022.

Oklahoma

State Court

- ***Oklahoma Call for Reproductive Justice v. O’Connor*** (Okla. No. 119918) – Abortion “minibus” case regarding heartbeat, licensing, physician-only, and chemical abortion provisions, and gestational limits (throughout pregnancy) case. Temporary injunction granted in part and denied in part. Abortion clinic appealed. Okla. Supreme Court granted abortion clinic’s emergency motion for a temporary injunction pending appeal Oct. 15, 2021. Briefed and awaiting oral argument schedule. Parties are litigating the gestational limits issue (Okla. S.B. 612) in the affiliated trial court case (Okla. Dist. Ct. No. CV-2021-2072).
- ***Oklahoma Call for Reproductive Justice v. O’Connor*** (Okla. Dist. Ct. No. CV-2021-2072) – Abortion “minibus” case regarding heartbeat, licensing, physician-only, chemical abortion provisions, and gestational limits (throughout pregnancy) case. The case is on appeal to the Oklahoma Supreme Court (Okla. No. 119918), except for the gestational limits (Okla. S.B. 612) issue. Plaintiffs moved to supplement the petition with challenge to S.B. 612 and to stay proceedings Apr. 28, 2022. Motion hearing set for Aug. 16, 2022.
- ***Oklahoma Call for Reproductive Justice v. State of Oklahoma*** (Okla. No. 120376) – Gestational limits (heartbeat) case involving a Texas S.B. 8-style law (Okla. H.B. 1503), and seeking to devise a state constitutional abortion “right.” Application for original jurisdiction

and petition for declaratory and injunctive relief and/or a writ of prohibition filed Apr. 28, 2022. Oral argument held May 5, 2022. Supplemental application filed to add a challenge to Okla. S.B. 4327, a Texas S.B. 8-style law limiting abortion throughout pregnancy. Oklahoma Supreme Court denied abortionists’ supplemental emergency motion for an immediate temporary restraining order and/or temporary injunction June 27, 2022. Currently in briefing.

- ***Tulsa Women’s Reproductive Clinic v. Hunter*** (Okla. Dist. Ct. No. CV-2019-2176) – Chemical abortion (pill reversal) case. District court granted unopposed motion to expand temporary injunction Oct. 1, 2021. Currently in discovery.
- ***Tulsa Women’s Reproductive Clinic v. Hunter*** (Okla. No. 118292) – Abortion gestational limits (dismemberment) and informed consent (72-hour reflection period) case. District court upheld House Bills 1721 & 1409. Oklahoma Supreme Court granted temporary injunction pending appeal Nov. 4, 2019. Completed briefing and awaiting oral argument schedule. No recent action.

Oregon

Federal District Court

- ***Gideonse v. Brown*** (D. Or. No. 3:21-cv-1568) – Assisted suicide case regarding removal of residency requirements. Complaint filed Oct. 28, 2021. Answer due Mar. 30, 2022. Case settled Mar. 28, 2022. Per the settlement agreement, the State will not enforce the residency requirements.

Pennsylvania

State Court

- ***Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services*** (Penn. No. 26 MAP 2021) – Abortion funding (Medicaid) case regarding a state “Hyde Amendment.” Trial court ruled for State. Commonwealth Court affirmed. Briefed and awaiting oral argument date in Pennsylvania Supreme Court. [Amicus curiae brief on behalf of Americans United for Life.](#)

Rhode Island

Federal District Court

- ***Elizabeth Cady Stanton Trust v. Neronha*** (D.R.I. No. 1:22-cv-245) – Equal Rights Amendment case with abortion policy implications. Complaint filed in state court May 18, 2022. Removed to federal court June 23, 2022.

State Court

- ***Benson v. Raimondo*** (R.I. No. SU-2020-0066-A) – Pro-life challenge to Reproductive Privacy Act regarding the legislative authority to pass the Act. Trial court granted defendants’ motion to dismiss. Rhode Island Supreme Court affirmed May 4, 2022. Motion to reargue denied June 3, 2022.

South Carolina

U.S. Supreme Court

- ***Kerr v. Planned Parenthood South Atlantic*** (No. 21-1431) – Abortion funding case regarding South Carolina’s exclusion of abortion businesses as “qualified” Medicaid providers. District court issued declaratory judgment and permanent injunction. 4th Circuit affirmed. State filed a petition for a writ of certiorari in the Supreme Court May 6, 2022. Supreme Court denied motion to expedite consideration of the petition June 6, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal Court of Appeals

- ***Planned Parenthood South Atlantic v. Wilson*** (4th Cir. No. 21-1369) – Abortion gestational limits (heartbeat) case. District court issued preliminary injunction. 4th Circuit issued amended opinion affirming district court. State filed petition for rehearing en banc Mar. 8, 2022. State filed motion to vacate preliminary injunction in 4th Circuit June 24, 2022. Abortionists filed voluntary motion to dismiss in district court June 24, 2022 (D. S.C. No. 3:21-cv-508). District court granted motion to stay preliminary injunction. State filed motion for summary judgment in district court June 27, 2022.

South Dakota

Federal Court of Appeals

- ***Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem*** (8th Cir. Nos. 21-2913, 21-2922) – Abortion informed consent case. Granted preliminary injunction June 30, 2011. Partially dissolved preliminary injunction June 11, 2013. 6th amended complaint filed July 1, 2021. Denied State’s motion to dissolve what remains of preliminary injunction Aug. 20, 2021. State appealed. 8th Circuit denied motions for initial hearing en banc. Briefed and awaiting oral argument. [Amicus curiae brief on behalf of Americans United for Life.](#) [AUL’s amicus curiae brief on behalf of Heartbeat International, Inc.](#)
- ***Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem*** (8th Cir. No. 22-1362) – Chemical abortion case regarding state health department’s in-person dispensing rule. Complaint filed Jan. 19, 2022. Granted motion for preliminary injunction. State appealed. Denied State’s motion to stay preliminary injunction Mar. 14, 2022. Abortionists filed motion to dismiss appeal as moot and vacate the district court’s preliminary injunction order June 29, 2022. Abortionists filed notice of voluntary dismissal in district court June 29, 2022 (D.S.D. No. 4:22-cv-4009).

Tennessee

Federal Court of Appeals

- ***Memphis Center for Reproductive Health v. Slatery*** (6th Cir. No. 20-5969) – Abortion gestational limits (heartbeat, cascading bans) and prenatal nondiscrimination (sex, race, Down syndrome) case. 6th Circuit panel affirmed preliminary injunction. State’s petition for rehearing en banc granted with the briefing schedule to be set at a later time. Granted State’s motion for partial stay of injunction [prenatal non-discrimination] pending appeal Feb. 2, 2022. Abortionists filed opposed, voluntary motion to dismiss in district court June 27, 2022 (M.D. Tenn. No. 3:20-cv-501). 6th Circuit vacated and remanded for further proceedings in light of *Dobbs* July 6, 2022.

Federal District Court

- ***Planned Parenthood of Tennessee and Northern Mississippi v. Slatery*** (M.D. Tenn. No. 3:20-cv-00740) – Chemical abortion (pill reversal) case. Preliminary injunction granted Feb. 26, 2021. Stayed pending *Dobbs*.

Texas

Federal Court of Appeals

- ***United States of America v. Texas*** (5th Cir. No. 21-50949) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). District court granted preliminary injunction. 5th Circuit granted Texas’s motion to stay preliminary injunction pending appeal. SCOTUS dismissed writ of cert. as improvidently granted. 5th Circuit ordered the State’s motion for voluntary remand or abeyance is to be carried with the case Jan. 21, 2022. Currently in briefing and awaiting an oral argument schedule.
- ***Whole Woman’s Health v. Young*** (5th Cir. No. 18-50730) – Fetal remains case. District court issued permanent injunction. 5th Circuit oral argument held Sept. 5, 2019. Vacated and remanded for further proceedings consistent with *Dobbs* June 28, 2022. Status conference set for Aug. 23, 2022.

Federal District Court

- ***Davis v. Sharp*** (W.D. Tex. No. 1:22-cv-373) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Complaint filed Apr. 19, 2022. Plaintiffs filed motion for summary judgment. Denied defendants’ motion to defer consideration of plaintiffs’ motion for summary judgment, or, in the alternative, to summarily deny the motion for summary judgment May 24, 2022. Defendants filed motion to dismiss for lack of jurisdiction June 1, 2022.
- ***Deanda v. Becerra*** (N.D. Tex. No. 2:20-cv-92) – Abortion parental involvement case alleging Title X funds violate Texas Family Code and parental rights. Denied without prejudice plaintiffs’ motion to certify class and held moot the cross-motions for summary judgment Feb. 15, 2022.
- ***State of Texas v. Becerra*** (N.D. Tex. No. 5:22-cv-185) – Pro-life challenge to EMTALA abortion mandate. Complaint filed July 14, 2022.

- ***Whole Woman’s Health v. Jackson*** (W.D. Tex. No. 1:21-cv-616) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). 5th Circuit denied motions for injunction pending appeal and to lift stays. SCOTUS denied application for injunctive relief. SCOTUS permitted lawsuit to proceed only against licensing officials. On certified questions, Supreme Court of Texas found the state licensing officials have no direct or indirect enforcement power. State filed letter indicating there is an outstanding issue regarding S.B. 8’s attorney’s fees mechanism. Remanded to district court Apr. 26, 2022. Defendants filed amended motion to dismiss in part for lack of subject-matter jurisdiction May 22, 2022. District court dismissed in part June 24, 2022.
- ***Whole Woman’s Health Alliance v. Paxton*** (W.D. Tex. No. 1:18-cv-500) Omnibus abortion case regarding licensing, chemical abortion, informed consent, parental involvement, criminal penalties, and Medicaid funding. Motions to dismiss filed Aug 27 & Oct. 10, 2018. Stay pending *June Medical Services*. Stay lifted July 23, 2020. Currently awaiting decision on motions to dismiss. No recent action.

State Court

- ***Dickson v. The Afiya Center*** (Tex. No. 21-1039) – Free speech case regarding Dickson’s alleged defamatory statements that referred to The Afiya Center as a “criminal organization.” Trial court denied Dickson’s motion to dismiss. Court of appeals affirmed. Consolidated with *The Lilith Fund v. Dickson* (Tex. No. 21-0978) for oral argument set for Oct. 26, 2022.
- ***North Texas Equal Access Fund v. Maxwell*** (Tex. Dist. Ct. No. 22-2100-431) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Filed petition, request for declaratory judgment, application for temporary injunction, and anti-suit injunction Mar. 15, 2022. Motion to dismiss filed May 16, 2022.
- ***The Lilith Fund for Reproductive Equity v. Dickson*** (Tex. No. 21-0978) – Free speech case regarding Dickson’s alleged defamatory statements that referred to the Lilith Fund as a “criminal organization.” Trial court denied motion to dismiss. Court of appeals reversed. Briefed before state supreme court. Consolidated with *Dickson* (Tex. No. 21-0978) for oral argument set for Oct. 26, 2022.
- ***The Lilith Fund for Reproductive Equity v. Weldon*** (Tex. Dist. Ct. No. 22-03-032) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Filed petition, request for declaratory judgment, application for temporary injunction, and anti-suit injunction Mar. 15, 2022.
- ***Van Stean v. Texas Right to Life*** (Tex. Ct. App. No. 03-21-00650-CV) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Declared certain civil procedures unconstitutional and issued declaratory judgment Dec. 9, 2021. Defendants appealed. Briefed and awaiting oral argument schedule.
- ***In re Ken Paxton*** (Tex. No. 22-0527) – Abortion case challenging pre-*Roe* law. Complaint filed June 27, 2022. Trial court issued temporary restraining order June 28, 2022. State filed writ of mandamus in state intermediate court and state supreme court. Texas Supreme Court stayed temporary restraining order July 1, 2022 but allowed proceedings to continue in trial court and court of appeals (Tex. No. 22-0527). Trial court extended temporary restraining order July 11, 2022 (Tex. Dist. Ct. No. 2022-38397). Texas Court of Appeals denied petition for writ

of mandamus July 12, 2022 (Tex. Ct. App. No. 01-22-00480-CV). Parties briefed the petition for writ of mandamus to Texas Supreme Court and are awaiting a ruling.

- ***Zimmerman v. City of Austin*** (Tex. No. 21-0262) – Abortion funding case regarding city budget allocations of taxpayer money to abortion-assistance organizations. District court granted Defendants’ plea to the. Court of Appeals affirmed. Briefed and awaiting oral argument before the Supreme Court of Texas on the merits. [Amicus curiae brief filed on behalf of Americans United for Life.](#)

Utah

Federal District Court

- ***Planned Parenthood Association of Utah v. Miner*** (D. Utah No. 2:19-cv-238) – Abortion gestational limits (18-week) case. Granted preliminary injunction May 13, 2019. Joint stipulation of dismissal entered June 27, 2022.

State Court

- ***Planned Parenthood Association of Utah v. State of Utah*** (Utah Dist. Ct. No. 220903886) – Abortion conditional law case. Complaint filed June 25, 2022. Trial court granted temporary restraining order June 27, 2022. Trial court granted preliminary injunction July 11, 2022.

Vermont

No cases reported

Virginia

No cases reported

Washington

Federal Court of Appeals

- ***Washington v. Azar*** (9th Cir. No. 20-35044) (consolidated with No. 20-16045 [listed under Cal. above]) – Conscience rights case regarding HHS conscience protection rule. Held in abeyance pending HHS rulemaking. Status report filed Apr. 1, 2022.

Federal District Court

- ***Cedar Park Assembly of God of Kirkland, Washington v. Kreidler*** (W.D. Wash. No. 3:19-cv-5181) – Conscience rights case challenging Wash. S.B. 6219, which requires Washington employers to provide abortion and abortifacient coverage in employee health plans. 9th Circuit reversed in part, holding Cedar Park has standing for the free exercise issue, but affirmed the dismissal of Cedar Park’s equal protection clause for lack of standing. District court clarified that the free exercise and religious autonomy claims are the only remaining claims Feb. 22, 2022.

West Virginia

State Court

- ***Women’s Health Center of West Virginia v. Miller*** (W. Va. Cir. Ct. No. ___) – Abortion case challenging pre-*Roe* law. Complaint filed June 29, 2022. Court granted temporary injunction July 18, 2022.

Wisconsin

Federal District Court

- ***Planned Parenthood of Wisconsin v. Kaul*** (W.D. Wis. No. 3:19-cv-38) – Chemical abortion case regarding physician-only, same-physician, and telemedicine provisions. Bench trial held Dec. 7-10, 2020. Plaintiffs filed letter notifying the court of FDA changes in mifepristone REMS Mar. 31, 2022. Granted abortionists’ motion to stay so that plaintiffs may assess the *Dobbs* decision but must file a status report on or before July 25, 2022.

State Court

- ***Kaul v. Kapenga*** (Wis. Cir. Ct. No. 2022-CV-1594) – Abortion case challenging pre-*Roe* law. Complaint filed June 28, 2022.

Wyoming

No cases reported

State Policy Updates (Status as of July 20, 2022)

- Pro-Life:
 - Arizona SB 1164 **signed** by Gov. Ducey’s desk (limits abortion to 15 weeks’ gestation)
 - Florida HB 5 **signed** by Gov. DeSantis’ desk (limits abortion to 15 weeks’ gestation)
 - Idaho HB 521 **signed** by Gov. Little 3/23 (all abortions must be done in a hospital or physician’s regular office or clinic)
 - Idaho SB 1309/SB 1358 **signed** by Gov. Little 3/23 (TX heartbeat enforcement, suit can be filed by parent, grandparent, or aunt/uncle of baby)
 - Indiana HB 1217 **signed** by Gov. Holcomb 3/11 (mandating that women be told that coerced abortion is illegal and that the provider offer her services to prevent a coerced abortion)
 - Kentucky HB 3 **overrode** Gov. Beshear’s veto (omnibus: chemical abortion + certifying/regulating at the state level, judicial bypass, complications complaint portal, taxpayer funding, dignified disposal + 15 weeks’ gestation)
 - Louisiana SB 342 **enacted** 6/17 (construction of abortion laws is to prohibit abortion and preserve lives of unborn children to furthest extent permitted by law, crime of abortion by an unlicensed abortion provider)
 - Louisiana SB 388 **signed** 6/17, eff. 8/1/22 (regulating chemical abortion, prohibiting telemedicine in chemical abortion, expanding conditional law to include *Dobbs* decision if it overrules *Roe*, expanding born-alive protections, empowering Secretary to issue a written cease and desist order if an actor is in violation of the abortion law, providing a procedure for closing outpatient abortion clinics in the event abortion is declared illegal)

- Mississippi HB 1685 **signed** by Gov. Reeves 4/21 (creating a tax credit supporting pregnancy resource centers)
- Missouri HB 1030 **on Gov. Parson's desk** 5/18 (appropriations bill preventing family planning funds from going to facilities that perform or refer for abortions)
- New Hampshire HB 233 **on Gov. Sununu's desk** (born-alive)
- New Hampshire HB 1625 **vetoed** 6/1 (repealing the buffer zone law)
- Ohio SB 157 **took effect** on 3/23 (strengthening born-alive protections and gathering more data on post-abortion hospital care for abortions after 12 weeks')
- Oklahoma SB 612 **signed** by Gov. Stitt 4/12 (preventing abortion from conception)
- Oklahoma SB 1503 **signed** by Gov. Stitt 5/3 (heartbeat law with TX-style enforcement)
- Oklahoma SB 1555 **signed** by Gov. Stitt 4/29 (amending OK's conditional law)
- Oklahoma HB 4327 **enacted** 5/26 (preventing abortion from conception with TX S.B. 8-style enforcement)
- South Carolina H 4776 **enacted** 6/17 (recognizing the public policy to protect conscience rights, recognizing right to not participate in or pay for any health care service which violates the practitioner's or entity's conscience, preventing discrimination against conscience rights, providing a conscience complaint process)
- South Dakota HB 1051 **signed** 2/25 (amending born-alive and adding civil and disciplinary action)
- South Dakota HB 1318 **signed** by Gov. Noem 3/28 (regulating chemical abortion administration to include separate visits for each drug)
- Tennessee SB 2158/HB 2557 **enacted** 5/4 (prohibits public schools from contracting with an individual or entity that performs, refers, or advocates for abortions)
- Tennessee SB 2281/HB 2416 **enacted** 5/9 (TN Abortion Inducing Drug Risk Protocol)
- Virginia SB 163 **enacted** 5/27 (rendering unenforceable and void any surrogacy contract provision that requires abortion or selective reduction)
- West Virginia SB 468 **signed** by Gov. Justice 3/21 (prohibiting abortion on the basis of disability and providing information about resources for families)
- Wyoming HB 92 **signed** by Gov. Gordon 3/15 (conditional law creating a process for the AG to determine that *Roe* has been overturned and prohibiting abortion and abortion funding at that time)
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- Anti-Life:
 - California SB 245 **signed** by Gov. Newsom 3/22 (prohibits healthcare service plans from imposing a deductible, co-pay, or cost sharing for abortion or abortion-related services)
 - California AB 1666 **enacted** 6/24 (declares another state's law authorizing a civil action against a person who receives/seeks/performs/induces/aids/abets abortion to be against state public policy and prevents that lawsuit from being heard in the state)
 - Colorado HB 22-1279 **signed** by Gov. Polis 4/4 (declaring a fundamental right to abortion throughout pregnancy)
 - Connecticut HB 5414 **signed** by Gov. Lamont 5/5 (preventing subpoenas against doctors providing reproductive health services)

- Hawaii HB 1823 **passed both chambers** (allowing APRNs to participate in aid in dying)
- Maine LD 811 **enacted** 5/7 (increasing reimbursements to reproductive health providers including planned parenthood through Maine Care)
- Maryland HB 937 **overridden** 4/9 (creating a program to fund and train abortion doctors)
- New Hampshire HB 1609 **took effect** 5/27 (amending exceptions into the 24 weeks’ limit enacted in 2021 and creating an annual report on abortions performed after 24 weeks’)
- New Hampshire HB 1673 **took effect** 5/20 (amends the Fetal Health Protection Act so that an ultrasound is only required if the provider knows or is "conscious of a substantial risk" that the unborn child is at least 24-weeks gestation)
- New Jersey S 49 **signed** by Gov. Murphy (freedom of reproductive choice act)
- New Jersey A 3974 **enacted** 7/1 (prohibits extradition of individual to another state of conduct relates to reproductive health services and is legal in NJ; CM note: possible conflict with Fugitive Extradition Clause, U.S. Const. Art. IV, § 2)
- New Jersey A 3975 **enacted** 7/1 (abortion judgment from another statement presumed unenforceable in NJ, rebuttal presumption that if the case affected a NJ resident, then that state lacked personal jurisdiction, can't restricting medical licensing based upon medical professional providing an abortion)
- New York S 9017 **enacted** 6/13 (prohibits professional misconduct charges against licensed medical professionals on basis that professional performed, recommended, or provided an abortion to a patient who resides in a state where abortion is illegal)
- New York S 9039 **enacted** 6/13 (provides a cause of action for the unlawful interference with protected rights, including abortion "rights")
- New York S 9080 **enacted** 6/13 (prohibits medical malpractice insurers from taking any adverse action solely on the basis the health care provider performs legal abortion)
- New York S 9384 **enacted** 6/13 (adding reproductive health care services providers, employees, volunteers, patients, or immediate family members of them to the "address confidentiality program")
- New York A 9687 **enacted** 6/13 (prohibits professional misconduct charges against licensed medical professionals on basis that professional performed, recommended, or provided an abortion to a patient who resides in a state where abortion is illegal)
- New York A 9718 **enacted** 6/13 (prohibits medical malpractice insurers from taking any adverse action solely on the basis the health care provider performs legal abortion)
- New York A 9818 **enacted** 6/13 (adding reproductive health care services providers, employees, volunteers, patients, or immediate family members of them to the "address confidentiality program")
- New York A 10094 **enacted** 6/13 (provides a cause of action for the unlawful interference with protected rights, including abortion "rights")
- Washington HB 1851/SB 5766 **enacted** 3/17 (replacing “woman” with “pregnant individual,” expanding abortion practice to PAs, APRNs, or “other health care practitioner working within their scope of practice,” and preventing the state from

prosecuting anyone for “aiding or assisting” exercise of the right to fundamental reproductive freedom)

- Vermont S 74 **signed** by Gov. Scott (changing reflection period and removing requirement that a physician exam and request for medication be done in person in state’s assisted suicide law)
- Monitor:
 - Iowa SF 529 **enacted** 6/14 (prohibiting the provision of false information to a patient related to ART, providing a private right of action for same)

Resolutions:

- Pro-Life:
 - Michigan HR 22 **enacted** 6/22/21 (affirming the right to life of every unborn child and calling for enforcement of laws limiting abortion)
- Anti-Life:
 - None reported.
- Monitor:
 - Maine H.P. 1322 **enacted** 5/3 (resolving to establish an advisory panel to better understand and make recommendations regarding implications of genome-editing technology)