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“Suddenly Last Summer: The Landscape of Life in Post-*Roe* America”
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Introduction

On June 24, 2022, the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Org.*¹ ended nearly fifty years of a judicially-enforced federal “right to abortion” and re-affirmed the People’s authority to legislate the authority through their State and federal elected representatives:²

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.”³

The majority reiterated 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 judgment of legislative bodies.’”⁴ 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 passed muster under rational basis review.⁵

In the year since *Dobbs*, the landscape of life-protecting laws in the United States has radically changed. Broadly speaking, most pro-abortion states have become more stridently pro-abortion, eliminating even the bare protections that had been in place for decades, and shoring up or extending public funding for elective abortion. A remarkable string of pro-life losses in state citizen initiated ballot campaigns has given way to strong but quiet gains in state houses and a remarkable shift in litigation focus from the federal courts to the state court systems, with the exception of the issue of the FDA's approval of chemical abortion.

¹ *Dobbs*, slip op. at 5-6.

² *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. ___ (June 24, 2022).

³ *Id.* at 78-79.

⁴ *Id.* at 77 (citation omitted).

⁵ *Id.* at 77.

A Year in the Voting Booths

It would be inadvisable to draw any conclusions from the 2022 ballot initiatives relating to abortion, since the six resolutions that were on the ballot were markedly different and varied in many ways. For example, the Vermont measure contain language so ambiguous that it could mean almost anything. The Michigan ballot initiative took a different approach; it protected a variety of activity, including “contraception” and abortion, so that it was difficult to discern what the average voter was truly voting for. Polling patterns relating to another half a dozen about initiatives in the 2023 elections should provide a more accurate read on popular sentiment relating to abortion.

Kansas voters turned down a ballot measure that would have provided that the state constitution could not be interpreted to establish a state constitutional right to abortion.

Kentucky rejected a similar amendment.

Montana voters turned down a Born Alive Infant Protection Act measure.

Vermont voters created a state constitutional right to “reproductive freedom” writ broadly.

Michigan voters also enacted a state right to reproductive freedom, including abortion.

California voters reaffirmed statutory and court-construed constitutional protections for abortion and elective abortion funding.

A Foreshadowing of Ohio, South Dakota, Missouri, Maryland?

A Year in the State Houses

As of June 2023, 23 states have passed or are enforcing an abortion limit at 12 weeks gestation or earlier, including Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, in addition to Florida (6 wks), Georgia (6 wks, pending before Ga. Sup. Ct.), Iowa (6 wks), Ohio (6 wks), South Carolina (6 wks, subject to injunction), Nebraska (12 wks), and North Carolina (12 wks)

States Protecting Life from Conception

1. Alabama:

- State’s Strongest Limit: Abortion prohibited with exceptions for life, “to avert serious risk of substantial physical impairment of a major bodily function” (Ala. Code §§ 26-23H-1 to -8).
- Current Litigation:

o Reproductive Health Services v. Bailey (M.D. Ala. Cir. No. 2:14-cv- 1014)—The abortion parental consent case was dismissed Aug. 8, 2022 after a joint motion to voluntarily dismiss appeal to the 11th Circuit was filed July 7, 2022.

o *Robinson v. Marshall* (M.D. Ala. No. 2:19-cv-365)—The abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions was voluntarily dismissed June 30, 2022.

- Additional Provisions:
 - o Pre-Roe statute (Ala. Code § 13A-13-7)
 - o The state constitution affirms public policy is to protect unborn life (Ala. Const. art. I, § 36.06)

2. Arizona

- State’s Strongest Limit: Pre-Roe statute prohibits abortion with an exception for the life of the mother (Ariz. Rev. Stat. § 13-3603).
- Current Litigation:

o *Isaacson v. Brnovich* (D. Ariz. No. 2:21-cv-1417)—The abortion prenatal nondiscrimination and prenatal rights case was granted, vacated, and remanded by the Supreme Court in light of *Dobbs* July 1, 2022. Plaintiffs filed a renewed motion for a preliminary injunction regarding the prenatal nondiscrimination provisions Sept. 9, 2022.

o *Planned Parenthood Center of Tucson, Inc. v. Brnovich* (Ariz. Super. Ct. No. C127867)—The abortion case challenging pre-Roe law had a permanent injunction issues Mar. 27, 1973. Hearing was held Aug. 19, 2022 after the State moved for relief from judgment July 13, 2022. Permanent injunction was lifted Sept. 22, 2022.

Additional Provisions:

o S.B. 1164, 55th Leg., 2nd Reg. Sess. (2022) prohibits abortions after 15 weeks.

3. Arkansas

- State’s Strongest Limit: Conditional law (Ark. Code Ann. §§ 5-61-301 to - 304) bans all abortions with an exception to save the life of the mother.
- Current Litigation:

o *Little Rock Family Planning Services v. Jegley* (E. D. Ark. 4:21-cv- 453)—The abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions was voluntarily dismissed July 13, 2022.

o *Planned Parenthood of Arkansas & Eastern Oklahoma, Inc. v. Gillespie* (E.D. Ark. No. 4:15-cv-566)—The abortion funding (Medicaid) case was voluntarily dismissed Aug. 1, 2022.

o *Rutledge v. Little Rock Family Planning Services* (E.D. Ark. No. 4:15- cv-784)—The abortion gestational limits (18-week), health and safety (physician-only rule), and prenatal nondiscrimination case was granted, vacated, and remanded by the Supreme Court in light of *Dobbs*. Trial court granted motion to dismiss without prejudice Aug. 2, 2022.

- Additional Provisions:
 - o Pre-Roe statute (Ark. Code Ann. § 5-61-102)
 - o The state constitution affirms public policy is to protect unborn life (Ark. Const. amend. 68, § 2)
 - o Abortion prohibited with an exception for life (Ark. Code Ann. § 5- 61-404; temporarily enjoined)

4. Idaho

- State’s Strongest Limit: Conditional law (Idaho Code § 18-622) criminalizes physicians who perform abortions with an exception if the physician, in good faith medical judgement, determines such necessary to save the mother’s life.
- Current Litigation:

o *United States of America v. State of Idaho* (D. Idaho No. 1:22-cv- 329)—Court granted plaintiff’s motion for a preliminary injunction on Aug. 24, 2022, in the Anti-life lawsuit to enforce EMTALA abortion mandate.

o *Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho* (Idaho Nos. 49615-2022, 49817-2022, and 49899- 2022)—Consolidated abortion case challenging the conditional law and gestational limits (heartbeat), which also seeks to devise a state constitutional abortion “right,” has oral argument on the merits set for Sept. 29, 2022.

- Additional Provisions:

o Conditional heartbeat law (Idaho Code §§ 18-8801 to -8808)

5. Indiana

- State’s Strongest Limit: S.B. 1, 122nd Leg., 1st Spec. Sess. (Ind. 2022) prohibits abortions prohibits abortions except to protect the life or physical health of the mother, in cases of rape or incest, or when the child suffers from a lethal fetal anomaly.
- Current Litigation:

o *Bernard v. Individual Members of the Indiana Medical Licensing Board* (S.D. Ind. 1:19-cv-1660)—State filed motion for judgment on the pleadings on July 8, 2022, in the gestational limits (dismemberment) case.

o *Whole Woman’s Health Alliance v. Rokita* (S.D. Ind. No. 1:18-cv- 1904)—Upon parties’ request, the district court stayed proceedings until the conclusion of the Indiana General Assembly’s special session in omnibus abortion case regarding chemical abortion, hospital-only, telemedicine, facility health and safety, and informed consent provisions.

o *Planned Parenthood Great Northwest, Hawai’i, Alaska, Indiana, Kentucky, Inc. v. Members of the Medical Licensing Board of Indiana* (Ind. Sup. Ct. No. ___)—Abortion gestational limits (throughout pregnancy) case, which also seeks to devise a state constitutional abortion “right” was filed on Aug. 30, 2022.

- Additional Provisions:

o Ind.Code§16-34-2-1(a)(2)

6. Kentucky

- State’s Strongest Limit: Conditional law (Ky. Rev. Stat. § 311.772) prohibits abortions, protecting at all stages of pregnancy.
- Current Litigation:

o *EMW Women’s Surgical Center, P.S.C. v. Friedlander* (W.D. Ky. No. 3:18- cv-224)—District court granted parties’ joint motion to vacate the permanent injunction and dismiss the case with prejudice on Aug. 17, 2022, in the gestational limits (dismemberment) case.

o *EMW Women’s Surgical Center v. Friedlander* (W.D. Ky. No. 3:19-cv- 178)—District court granted State’s motion to dissolve temporary restraining orders, and abortionists’ voluntary motion to dismiss June 30, 2022, in this gestational limits (heartbeat), prenatal nondiscrimination (sex, race, color, national origin, disability) case, and omnibus challenge to comprehensive abortion bill (H.B. 3).

o *Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron* (W.D. Ky. No. 3:22-cv-198)—District court partially dissolved preliminary injunction on July 14, 2022, and again on Aug. 30, 2022, for the omnibus abortion lawsuit challenging the comprehensive abortion bill, Ky. H.B. 3.

o *EMW Women’s Surgical Center, P.S.C. v. Cameron* (Ky. No. 2022-SC- 0329)—Kentucky Supreme Court oral argument set for Nov. 15, 2022, in the conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.”

- Additional Provisions:
 - o Heartbeat law (Ky. Rev. Stat. § 311.7705; temporarily enjoined)

7. Louisiana

- State’s Strongest Limit: LA. Stat. Ann. §§ 40.87.7, 14.87.8, 40:1061
- Current Litigation:

o *June Medical Services v. Phillips* (5th Cir. No. 22-30425)—Case regarding abortion health and safety is briefed and the 5th Circuit will consider it on submission of the briefs. *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 3:18-cv- 176)—District court stayed proceedings pending *Dobbs*, and it has not reopened the case regarding abortion health and safety (clinic licensing) yet.

o *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 3:15-cv- 565)—Abortion funding (Medicaid) case is 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*. The motion to vacate the preliminary injunction was denied on Apr. 7, 2021.

June Medical Services, LLC v. Landry (La. Dist. Ct. No. 22-5633)— Preliminary injunction was issued on July 21, 2022, in the case regarding the conditional law.

- Additional Provisions:
 - o Conditional heartbeat law (La. Stat. § 40:1061.1.3)

8. Mississippi

- State’s Strongest Limit: Miss. Code Ann. § 41-41-45 prohibits abortions with exceptions if done to save the life of the mother, or in cases of rape or incest reported to law enforcement.
- Current Litigation:

o *GenBioPro, Inc. v. Dobbs* (S.D. Miss. No. 3:20-cv-652)—GenBioPro filed notice of voluntary dismissal on Aug. 18, 2022, in the case regarding a generic Mifepristone manufacturer alleging preemption and Commerce Clause violations.

o *Jackson Women’s Health Organization v. Dobbs* (S.D. Miss. No. 3:18- cv-171)—District court vacated injunction and noted what remains of the legal challenge is likely moot because abortionists no longer operate in the state Sept. 2, 2022, in the case regarding gestational limits, informed consent, and health and safety provisions.

o *Jackson Women’s Health Organization v. Dobbs* (Miss. Ch. Ct. No. 25CH1:22-cv-00739)— Abortionists filed notice of voluntary dismissal on July 19, 2022, in the case regarding conditional law and gestational limits (6-week).

- Additional Provisions:
 - o Pre-Roe statute (Miss. Code Ann. § 97-3-3)
 - o Heartbeat law (Miss. Code Ann. § 41-41-34.1; temporarily enjoined)

9. Missouri

- State’s Strongest Limit: Missouri law prohibits abortions with an exception if necessary to save the life of the mother. Mo. Rev. Stat. § 188.017(2); Immediate Efficacy of Section 188.017, RSMo, 22 Op. Att’y. Gen. 2022.
- Current Litigation:

o *Reproductive Health Services of Planned Parenthood of the St. Louis*

Region, Inc. v. Parson (8th Cir. Nos. 19-2882, 19-3134)—District court granted abortionists’ request to dismiss the case without prejudice on July 13, 2022 in the case regarding gestational limits (8-week, 14-week, 18-week, 20 week) and prenatal nondiscrimination.

- Additional Provisions:
 - o Eight-week limitation (Mo. Rev. Stat. § 188.056; temporarily enjoined)

10. Oklahoma

- State’s Strongest Limit: S.B. 1555, 58th Leg., 2nd Reg. Sess. (Ok. 2022) prohibits all abortions with an exception if done to save the life of the mother.

o See also: H.B. 4327, 58th Leg., 2nd Reg. Sess. (Ok. 2022), to be codified at Okla. Stat. tit. 63, § 1-745.31.

- Current Litigation:

o *Oklahoma Call for Reproductive Justice v. O’Connor* (Okla. No. 119918)—The case regarding heartbeat, licensing, physician-only, and chemical abortion provisions, and gestational limits is briefed and awaiting oral argument schedule.

o *Oklahoma Call for Reproductive Justice v. O’Connor* (Okla. Dist. Ct. No. CV-2021-2072)—The case regarding heartbeat, licensing, physician-only, and chemical abortion provisions, and gestational limits is on appeal to the Oklahoma Supreme Court, except for the gestational issue. At plaintiffs’ request, court struck plaintiffs’ motion to supplement petition and for a stay of proceedings along with a supplemental petition and a motion for a temporary injunction barring S.B. 612.

o *Oklahoma Call for Reproductive Justice v. O’Connor* (Okla. No. 120376)—The gestational limits (heartbeat) case involving Texas S.B. 8-style law and is seeking to devise a state constitutional abortion “right” is briefed and awaiting oral argument schedule.

o *Oklahoma Call for Reproductive Justice v. O’Connor* (Okla. No. 120543)—Abortionists filed a brief Sept. 2, 2022 in the gestational limits case challenging the 2022 complete gestational protection and 1910 pre-Roe law, also seeking to devise a state constitutional “right” to abortion.

o *Tulsa Women’s Reproductive Clinic v. Hunter* (Okla. Dist. Ct. No. CV- 2019-2176)—The chemical abortion case is currently in discovery.

o *Tulsa Women’s Reproductive Clinic v. Hunter* (Okla. No. 118292)— The gestational limits (dismemberment) and informed consent case has completed briefing and awaiting oral argument schedule.

- Additional Provisions:

o Pre-Roe statute (Okla. Stat. tit. 21, § 861)

o Heartbeat law (Okla. Stat. tit. 63, § 1-731.3; temporarily enjoined)

o § 509;

11. South Dakota

- State’s Strongest Limit: S.D. Codified Laws § 22-17-5.1 prohibits abortions with exceptions if done to save the life of the mother.
- Current Litigation:

o *Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem* (8th Cir. Nos. 21-2913, 21-2922)—The 8th Circuit denied motions for initial hearing en banc for the abortion informed consent case, now awaiting oral argument.

- Additional Provisions: N/A

12. Texas

- State’s Strongest Limit: Tex. Health & Safety Code §§ 170A.001-7
- Current Litigation:

o *The Satanic Temple, Inc. v. Hellerstedt* (S.D. Tex. 4:21-CV-00387)— The informed consent (ultrasound) law, alleging infringement on free exercise of religion, was denied temporary restraining order and preliminary injunction Sept. 7, 2022 by the district court. An appeal was docketed Sept. 8, 2022.

o *United States of America v. Texas* (5th Cir. No. 21-50949)—SCOTUS dismissed writ of cert. as improvidently granted for the gestational limits case regarding the Texas Heartbeat Act (S.B. 8).

o *Davis v. Sharp* (W.D. Tex. No. 1:220cv0373)—The gestational limits case regarding the Texas Heartbeat Act (S.B. 8) had a motion to dismiss filed Sept. 8, 2022.

o *Deanda v. Becerra* (N.D. Tex. No. 2:20-cv-92)—Plaintiff filed a motion for summary judgment July 25, 2022 for the parental involvement case alleging Title X funds violate Texas Family Code and parental rights. Defendants filed cross-motions for summary judgment Aug. 19, 2022.

o *State of Texas v. Becerra* (N.D. Tex. No. 5:22-cv-185)—The case challenging the EMTALA abortion mandate was filed July 14, 2022. District court granted plaintiffs’ motion for a preliminary injunction and denied defendant’s motion to dismiss Aug. 23, 2022.

o *Whole Woman’s Health v. Jackson* (W.D. Tex. No. 1:21-cv-616)— The gestational limits case regarding the Texas Heartbeat Act (S.B. 8) was dismissed in part by the district court on June 24, 2022.

o *Whole Woman’s Health Alliance v. Paxton* (W.D. Tex. No. 1:18-cv- 500)—The case regarding licensing, chemical abortion, informed consent, parental involvement, criminal penalties, and Medicaid funding was closed by the district court on July 22, 2022.

o *Whole Woman’s Health v. Young* (W.D. Tex. No. 1:14-CV-284)- The State filed Rule 60(b) motion to vacate the permanent injunction in the abortion health and safety case on July 7, 2022.

o *North Texas Equal Access Fund v. Maxwell* (Tex. Ct. App. No. 02-22- 00347-CV)—The trial court granted a motion to dismiss in the abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). However, the case was appealed Aug. 31, 2022.

o *The Lilith Fund for Reproductive Equity v. Weldon* (Tex. Dist. Ct. No. 22-03-032)—The gestational limits case regarding the Texas Heartbeat Act (S.B. 8) had a filed petition, request for declaratory judgment, application for temporary injunction, and anti-suit injunction on Mar. 15, 2022.

o *Van Stean v. Texas Right to Life* (Tex. Ct. App. No. 03-21-00650- CV)—Defendants appealed in the gestational limits case regarding the Texas Heartbeat Act (S.B. 8), now awaiting oral argument.

o *In re Ken Paxton* (Tex. No. 22-0527)—The case challenging the pre-Roe law are awaiting a ruling after parties briefed the petition for a writ of mandamus to Texas Supreme Court.

o *Zimmerman v. City of Austin* (Tex. No. 21-0262)—The Texas Supreme Court requested additional briefing on *Dobbs*’ effect on the abortion funding case regarding city budget allocations of taxpayer money to abortion-assistance organizations, with briefs due Oct. 3, 2022.

• Additional Provisions:

- o Pre-Roe statute (Tex. Rev. Civ. Stat. arts. 4512.1 to .4, .6)
- o Heartbeat law (Tex. Health & Safety Code §§ 171.201 to .212)

13. West Virginia

- State’s Strongest Limit: HB 302 prohibits abortion with exceptions for medical emergencies, rape, or incest.
- Current Litigation:

o *Morrisey v. Women’s Health Center of West Virginia* (W. Va. Nos. 22-C- 556, 22-C-557, 22-C-558, 22-C-559, 22-C-560)—The abortion case challenging the pre-Roe law filed June 29, 2022. Court granted temporary injunction July 18, 2022.

• Additional Provisions:

- o Pre-Roe statute (W. Va. Code § 61-2-8)
- o There is no right to abortion in the state constitution (W. Va. Const. art. VI, § 57)
- o W. Va. Code § 16-2M-2(7) prevents against abortions after 20 weeks.

States Protecting Life after 6 Weeks:

1. Georgia

- State’s Strongest Limit: GA. Code Ann. § 16-12-141(b) protects life after 6 weeks.
- Current Litigation:

o *SisterSong Women of Color Reproductive Justice Collective v. State of Georgia* (Ga. Super. Ct. No. 2022CV367796)—Trial court denied a preliminary injunction on Aug. 15, 2022, in gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.”

o *SisterSong Women of Color Reproductive Justice Collective v. Kemp* (11th Cir. No. 20-13024)—In the gestational limits (heartbeat) and prenatal rights (personhood) case, the 11th Circuit vacated the injunction, reversed the judgment in favor of the abortionists, and remanded with instructions to enter judgment in favor of the state officials July 20, 2022. 11th Circuit entered an order stating that a judge of the court withholds issuance of the mandate in the appeal Aug. 16, 2022.

- Additional Provisions: N/A

2. Iowa

- State’s Strongest Limit: Iowa Code § 146B.2 bans abortions after 20 weeks.
- Current Litigation:

o *Planned Parenthood of the Heartland, Inc. v. Reynolds* (Iowa Dist. Ct. No. EQCE083074)—The gestational limits (heartbeat) case has a motion hearing set for Oct. 28, 2022.

o *Planned Parenthood of the Heartland, Inc. v. Reynolds* (Iowa Dist. Ct. No. EQCV081855)—The abortion informed consent (24-hour reflection period) case was voluntarily dismissed without prejudice on Aug. 19, 2022.

• Additional Provisions:

- o Iowa Code § 146C.2 (heartbeat law; permanently enjoined)
- o The Iowa Supreme Court created a right to abortion in the state constitution (*Planned Parenthood of the Heartland v. Reynolds ex rel. State*, 915 N.W.2d 206 (Iowa 2018))

3. North Dakota

- State’s Strongest Limit: N.D. Cent. Code § 12-02.1-05.2(1) disallows abortions after 6 weeks.
- Current Litigation:
 - o *American Medical Association v. Stenehjem* (D.N.D. No. 1:19-cv- 125)—The chemical abortion case stayed pending *Dobbs*. A recent joint status report was filed July 25, 2022.
 - o *Access Independent Health Services, Inc. v. Wrigley* (N.D. No. 20220260)—State officials filed a motion for stay of order (preliminary injunction) pending appeal in the trial court Sept. 8, 2022 in the abortion conditional law case, which also seeks to devise a state constitutional abortion “right.”
 - Additional Provisions:
 - o Conditional law (N.D. Cent. Code § 12.1-31-12)

4. Ohio

- State’s Strongest Limit: Ohio Rev. Code Ann. § 2919.195(A) prevents abortions after 6 weeks.
- Current Litigation:
 - o *State of Ohio v. Becerra* (6th Cir. No. 21-4235)—The abortion funding case regarding pro-life challenge that HHS’ 2021 final rule violates abortion funding restriction is briefed and awaiting oral argument on Oct. 27, 2022.
 - o *Planned Parenthood Southwest Ohio Region v. Yost* (S.D. Ohio No. 1:19-cv-118)—The gestational limits (15-week) case was dismissed by the district court without prejudice Aug. 3, 2022.
 - o *Preterm-Cleveland v. Attorney General of Ohio* (S.D. Ohio No. 1:19- cv-360)—District court granted abortionists’ unopposed motion to voluntarily dismiss on July 7, 2022, for the gestational limits (heartbeat) case.
 - o *Preterm-Cleveland v. Himes* (S.D. Ohio No. 1:18-cv-109)—Plaintiff filed cross-motion for judgment on the pleadings and motion to stay June 17, 2021, is the prenatal nondiscrimination case.
 - o *Planned Parenthood Southwest Ohio Region v. Ohio Department of Health* (Ohio Ct. C.P. No. A2101148)—Court granted abortionists’ motion to stay proceedings July 13, 2022 in the chemical abortion case.
 - o *State ex rel. Preterm-Cleveland v. Yost* (Ohio No. 2022-0803)—State officials filed a motion to dismiss on July 20, 2022 in the abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion “right.”
 - o *Women’s Med. Grp. Pro. Corp. v. Vanderhoff* (Ohio Ct. C.P. No. A2200704)—Court granted abortionists’ motion to stay proceedings Aug. 10, 2022 in the abortion health and safety case challenging licensing requirements.
 - Additional Provisions: N/A

5. Tennessee

- State’s Strongest Limit: Heartbeat law (Tenn. Code § 39-15-216) protects life from the time a fetal heartbeat is detected.
- Current Litigation:

o *Memphis Center for Reproductive Health v. Slatery* (M.D. Tenn. No. 3:20-cv-501)—The gestational limits and prenatal nondiscrimination case was dismissed without prejudice on July 28, 2022.

o *Planned Parenthood of Tennessee and Northern Mississippi v. Slatery* (M.D. Tenn. No. 3:20-cv-00740)—Abortionists have filed a joint motion to reopen the case and lift the stay in the chemical abortion case on Aug. 23, 2022.

• Additional Provisions:

o Conditional law (Tenn. Code § 39-15-213)

o There is no right to abortion in the state constitution (Tenn. Const. art. I, § 36)

States Protecting Life after 15 Weeks:

14. Florida

- State’s Strongest Limit: H.B. 5, 2022 Leg., Reg. Sess. (Fl. 2022) prohibits abortions after 15 weeks.

- Current Litigation:

o *Capo v. State of Florida* (Fla. Cir. Ct. No. 2022-014374-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.

o *Chotso v. State of Florida* (Fla. Cir. Ct. No. 2022-014371-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.

o *Doe v. State of Florida* (Fla. Cir. Ct. No. 2022-014372-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.

o *Generation to Generation, Inc. v. State of Florida* (Fla. Cir. Ct. No. 2022- CA-980)—Plaintiffs filed emergency motion for temporary injunctive relief and for declaratory judgment declaring H.B. 5 invalid, unconstitutional, and unenforceable on June 16, 2022, in the case regarding a gestational (15 week) limit.

o *Hafner v. State of Florida* (Fla. Cir. Ct. No. 2022-014370-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for a temporary injunction filed on Sept. 1, 2022.

o *Planned Parenthood of Southwest and Central Florida v. State of Florida* (Fla. No. SC22-1127)— Abortionists appealed to Florida Supreme Court while Petitioners filed emergency motion to stay the Court of Appeal’s decision pending review on Aug. 31, 2022, in case regarding gestational limits (15-week) and state constitutional abortion “right.”

o *Pomerantz v. State of Florida* (Fla. Cir. Ct. No. 2022-014373-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.

• Additional Provisions:

o Abortion legal up to 24 weeks with exceptions for life and major bodily harm (Fla. Stat. § 390.01112)

o The right to abortion is protected by the state constitution (*In re T.W.*, 551 So. 2d 1186 (Fla. 1989))

States Protecting Life after 18 Weeks:

1. Utah

- State’s Strongest Limit: Utah Code Ann. § 76-7-302.5 prohibits abortions after 18 weeks.
- Current Litigation:
 - o *Planned Parenthood Association of Utah v. Utah* (Utah Dist. Ct. No. 220903886)—The conditional law case, which also seeks to devise a state constitutional right to abortion was filed June 25, 2022. State filed petition for permission to appeal an interlocutory order in Utah Supreme Court Aug. 11, 2022.
 - o *Planned Parenthood Association of Utah v. Miner* (D. Utah No. 2:19-cv- 238)—The gestational limits (18-week) case had joint stipulation of dismissal entered June 27, 2022.
- Additional Provisions:
 - o Conditional law (Utah Code Ann. § 76-7a-201)

States Protecting Life after 20 Weeks:

1. Montana

- State’s Strongest Limit: Mont. Const., Art. II, § 10 is a state constitutional right for abortion. Mont. Code Ann. § 50-20-109 allows abortion up until viability.
- Current Litigation:
 - o *Planned Parenthood of Montana v. Montana* (Mont. No. DA 21-0521)— Montana Supreme Court affirmed the preliminary injunction, refusing to reconsider *Armstrong* at this stage of litigation on Aug. 9, 2022 in the case regarding 20-week limit, chemical abortion, ultrasound viewing, and fetal heart tone provisions.
 - o *Weems v. Montana* (Mont. No. DA 22-0207)—State has appealed to Montana Supreme Court on Apr. 25, 2022 in the case challenging the expansion of health and safety law to include APRNs as abortion providers.
 - o *Planned Parenthood of Montana v. Montana* (Mont. Dist. Ct. No. DDV- 2013-407)—Trial court issued an order denying request to lift the preliminary injunction on Apr. 28, 2022 in the case challenging the parental consent law.
- Additional Provisions:
 - o 20-week limitation (Mont. Code §§ 50-20-601 to -603; temporarily enjoined)

2. North Carolina

- State’s Strongest Limit: North Carolina prohibits abortion after 20 weeks gestation. N.C. Gen. Stat. § 14-45.1(a), invalidated by *Bryant v. Woodall*, 363 F. Supp. 3d 611 (M.D.N.C. 2019), *aff’d*, 1 F.4th 280 (4th Cir. June 23, 2011), injunction lifted in *Bryant v. Woodall*, No. 1:16CV1368 (M.D.N.C. Aug. 17, 2022).
- Current Litigation:
 - o *Bryant v. Woodall* (M.D.N.C. No. 1:16-cv-1368)—District court vacated the permanent injunction on Aug. 17, 2022 in the gestational limits (20-week) case.
 - o *Planned Parenthood South Atlantic v. Moore* (N.C. Super. Ct. No. 20-cvs- 500147)—Trial court lifted the injunction on Aug. 17, 2022 in the case challenging the 72-hour reflection period, clinic licensing, physician- only, telehealth, and informed consent provisions.

- Additional Provisions:
 - o 20-week limitation (N.C. Gen. Stat. § 14-45.1(a); permanently enjoined)

3. Nebraska

- State’s Strongest Limit: Neb. Rev. Stat. § 28-3, 106; § 28-329 protects against abortions after 20 weeks and after viability.
- Current Litigation: N/A
- Additional Provisions:
 - o Neb. Rev. Stat. §§ 28-3,102 to 3,111

4. South Carolina

- State’s Strongest Limit: S.C. Code Ann. § 44-41-450(A) protects against abortions after 20 weeks.
- Current Litigation:
 - o *Kerr v. Planned Parenthood South Atlantic* (No. 21-1431)—Supreme Court denied the motion to expedite consideration for the writ of certiorari filed May 6, 2022, in the abortion funding case regarding South Carolina’s exclusion of abortion businesses as “qualified” Medicaid providers. It is distributed for Sept. 28, 2022 conference.
 - o *Planned Parenthood South Atlantic v. Wilson* (4th Cir. No. 21-1369)— District court vacated the preliminary injunction and granted the motion to dismiss without prejudice on July 22, 2022 for the gestational limits (heartbeat) case.
 - o *Planned Parenthood South Atlantic v. State of South Carolina* (S.C. Cir. Ct. No. 2022CP4003569)— South Carolina Supreme Court issued a temporary injunction Aug. 17, 2022 in the gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.”
- Additional Provisions:
 - o Heartbeat law (S.C. Code §§ 44-41-610 to -740; temporarily enjoined)

5. Wisconsin

- State’s Strongest Limit: Wis. Stat. § 253.107(3) prevents abortions after 20 weeks.
- Current Litigation:
 - o *Planned Parenthood of Wisconsin v. Kaul* (W.D. Wis. No 3:19-cv-38)— The chemical abortion case regarding physician-only, same-physician, and telemedicine provisions was closed on Aug. 4, 2022.
 - o *Kaul v. Kapenga* (Wis. Cir. Ct. 2022-CV-1594)—The abortion case challenging the pre-Roe law was filed June 28, 2022. Currently in briefing on motion to dismiss filed Aug. 22, 2022.
- Additional Provisions:
 - o Pre-Roe statute (Wis. Stat. § 940.04)

States Protecting Life after 22 Weeks:

1. Kansas

- State’s Strongest Limit: Kan. Stat. Ann. § 65-6723-24; § 65-6703 prohibits abortion after 22 weeks and post-viability.
- Current Litigation:

- o *Hodes & Nauser v. Schmidt* (Kan. No. 124130)—The gestational limits (dismemberment) case was appealed to Kansas Supreme Court, briefed, and awaiting oral argument schedule.
- o *Hodes & Nauser v. Stanek* (Kan. No. 125051)—Health and safety (licensing) and chemical abortion (telemedicine) case where the trial court granted plaintiff’s motion for summary judgment. State then appealed and filed a brief on Aug. 31, 2022. Abortionists’ brief is due Sept. 30, 2022.
- o *Trust Women Foundation Inc. v. Bennett* (Kan. Ct. App. No. 121693)— In the 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. Kansas Court of Appeals denied abortionists’ motion for an injunction. Kansas Court of Appeals then denied state officials’ petition for review of opinion on Sept. 2, 2022.
- Additional Provisions:
 - o The right to abortion is protected by the state constitution (*Hodes & Nauser, MDS, P.A. v. Schmidt*, 440 P.3d 461 (Kan. 2019))

States Protecting Life after 24 Weeks:

1. Nevada

- State’s Strongest Limit: Nev. Rev. Stat. § 442.250(1)(b) prohibits abortion “unless it is performed... within 24 weeks after the commencement of the pregnancy.”
- Current Litigation:
 - o *Howell v. Frazier* (Nev. No. 83224)—Case raising the issue of the constitutionality of a pre-Roe abortion statute that criminalizes self- induced abortion following 24-weeks gestation was accepted by Nevada Supreme Court and permitted constitutional challenge.
 - Additional Provisions: N/A

2. Massachusetts

- State’s Strongest Limit: Abortion legal up to 24 weeks with exceptions for life, physical or mental health, or “a lethal fetal anomaly or the fetus is incompatible with sustained life outside the uterus” (Mass. Gen. Laws ch. 112 § 12N)
- Current Litigation: N/A
- Additional Provisions:
 - o The right to abortion is protected by the state constitution (*Moe v. Sec’y of Admin. & Fin.*, 417 N.E.2d 387 (Mass. 1981))
 - o Statutory protection for the right to abortion (Mass. Gen. Laws ch. 112 § 12L)

3. New Hampshire

- State’s Strongest Limit: Abortion legal up to 24 weeks with exceptions for life “endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function” (N.H. Rev. Stat. § 329:44; H.B. 2, 2021 Reg. Sess. §§38-39 (N.H. 2021))
- Current Litigation: N/A
- Additional Provisions: N/A

4. Pennsylvania

- State’s Strongest Limit: Abortion legal up at least to 24 weeks of pregnancy with exceptions for life and the “substantial and irreversible impairment of a major bodily function” (18 Pa. Cons. Stat. § 3211)

- Current Litigation:

o *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services* (Penn. No. 26 MAP 2021)—Trial court ruled for State in the abortion funding (Medicaid) case regarding a state “Hyde Amendment.” Commonwealth Court affirmed. Currently, oral argument is set for Oct. 26, 2022.

- Additional Provisions: N/A

States Hostile to Protecting Life

1. California

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Cal. Health & Safety Code § 123468)
- Current Litigation: N/A
- Additional Provisions:

o The right to abortion is protected by the state constitution (Cal. Const. art. I § 1; *Comm. to Defend Reprod. Rights v. Myers*, 625 P.2d 779 (Cal. 1981))

o Statutory protection for the right to abortion up to viability or for life and health (Cal. Health & Safety Code §§ 123462 to 123468)

2. Connecticut

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Conn. Gen. Stat. § 19a-602(b))
- Current Litigation:

o *Lafo v. Ward* (Conn. Super. Ct. Nos. LLI-CV21-6029507-S, LLI-CV22- 6029930)—Trial for the case of medical malpractice against a certified nurse midwife for prescribing abortion inducing-drugs at 22-weeks gestation is set for Sept. 10, 2024.

- Additional Provisions: N/A

3. Delaware

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health, and fetal anomaly without a “reasonable likelihood of the fetus’s sustained survival outside the uterus without extraordinary medical measures” (Del. Code tit. 24 § 1790(b))
- Current Litigation: N/A
- Additional Provisions: N/A

4. Hawaii

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Haw. Rev. Stat. § 453-16(b))
- Current Litigation:

o *Chelius v. Becerra* (D. Haw. No. 1:17-cv-493)—A status report was filed Nov. 3, 2021 in the chemical abortion case challenging Mifeprex REMS.

- Additional Provisions:
 - o Statutory protection for the right to abortion up to viability or for life and health (Haw. Rev. Stat. § 453-16(c))

5. Illinois

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (775 Ill. Comp. Stat. 55/1-25(a))
- Current Litigation:

o *Braid v. Stilley* (N. D. Ill. No. 1:21-cv-5283)—Amended motion to dismiss filed on June 24, 2022, in gestational limits case regarding Texas S.B. 8 heartbeat law.

o *North Texas Equal Access Fund v. Thomas More Society* (N.D. Ill. No. 1:22-cv-1399)—Defendant filed motion to dismiss for lack of jurisdiction April 28, 2022, while an answer filed June 27, 2022 in the gestational limits case regarding Texas S.B. 8 heartbeat law.

- Additional Provisions:
 - o Statutory protection for the right to abortion throughout pregnancy

(775 Ill. Comp. Stat. 55/1-15)

6. Maine

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Me. Stat. tit. 22 § 1598)
- Current Litigation: NA
- Additional Provisions: N/A

7. Maryland

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health, and if the fetus has a “genetic defect or serious deformity or abnormality” (Md. Code, Health-Gen. § 20-209)
 - Current Litigation: N/A
 - Additional Provisions: N/A

8. Michigan

- State’s Strongest Limit: Mich. Comp. Laws § 750.323 protects against abortions at viability.
- Current Litigation:

o *In re Executive Message of the Governor Requesting the Authorization of a Certified Question* (Mich. No. 164256)—Governor filed motion to authorize certification of the questions in the Governor’s executive message and set an expedited briefing schedule June 23, 2022.

o *In re Jarzynka* (Mich. Nos. 164753)—Complaint for an order of superintending control over *Planned Parenthood of Mich. v. Att’y Gen. of the State of Mich.* Was filed 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. State officials filed application for leave to state supreme court Aug. 31, 2022.

o *Planned Parenthood of Michigan v. Attorney General of the State of Michigan* (Mich. Ct. Cl. No. 22-000044-MM)—Court granted in part and denied in part abortionists’ motion for summary disposition,

granted in part and denied in part intervening defendants’ motion for summary disposition, and permanently enjoined the statute Sept. 7, 2022, in case challenging pre- *Roe* law, which also seeks to devise a state constitutional abortion “right”

o *Whitmer v. Linderman* (Mich. Cir. Ct. No. 2022-193498-CZ)—Trial court issued preliminary injunction on Aug. 19, 2022, in case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.”

• Additional Provisions: N/A

9. Minnesota

• State’s Strongest Limit: State constitution allows a right to abortion. *Women of State of Minn. By Doe v. Gomez*, 542 N.W.2d 17, 27 (Minn. 1995).

• Current Litigation:

o *Doe v. State of Minnesota* (Minn. Dist. Ct. No. 62-CV-19-3868)—Trial court granted in part and denied in part abortionists’ motion for summary judgment, permanently enjoining the physician-only rule, hospitalization law, felony penalties, two-parent notification, informed consent disclosures, physician disclosures, and reflection period provisions. Trial court denied motion to intervene by Traverse County Attorney on Sept. 6, 2022, in the case regarding health and safety, reporting, informed consent, fetal remains, and parental notification provisions.

• Additional Provisions:

o Abortion legal throughout pregnancy (*Hodgson v. Lawson*, 542 F.2d 1350 (8th Cir. 1976))

10. New York

State’s Strongest Limit: Abortion legal up to 24 weeks with exceptions for the “absence of fetal viability,” and life or health (N.Y. Pub. Health Law § 2599- BB)

Current Litigation:

o *Smith v. Hochul* (N.D. N.Y. No. 5:21-cv-35)—District court denied plaintiffs’ motion to amend original complaint, reopen the judgment, or reinstate certain counts in the complaint, but ordered state officials to respond to plaintiffs’ renewed motion to reopen the judgment Sept. 6, 2022 in the prenatal rights case regarding rights of viable unborn children and domestic violence under the Reproductive Health Act.

Additional Provisions:

o Statutory protection for abortion (N.Y. Pub. Health Law §§ 2599-AA)

11. Rhode Island

State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (23 R.I. Gen. Laws § 23-4.13-2(d))

Current Litigation:

o *Doe v. McKee* (No. 22-201)—Pro-life challenge to the Reproductive Privacy Act, seeking court recognition of the federal constitutional rights of unborn human beings had a petition for a writ of certiorari filed Sept. 1, 2022.

o *Elizabeth Cady Stanton Trust v. Neronha* (D.R.I. No. 1:22-cv-245)— Equal Rights Amendment case with abortion policy implications was filed in state court May 18, 2022. Currently, a motion to dismiss was filed Aug. 25, 2022.

Additional Provisions:

o Statutory protection for abortion up to viability with exceptions for life and health (R.I. Gen. Laws §§ 23-4.13-1 to -2)

12. Washington

- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Wash. Rev. Code § 9.02.110)
- Current Litigation: N/A
- Additional Provisions:

o Statutory protection for abortion up to viability with exceptions for life and health (Wash. Rev. Code §§ 9.02.100 to .110)

13. Wyoming

- State’s Strongest Limit: Wyo. Stat. Ann § 35-6-102 protects against abortions at viability.
- Current Litigation:

o *Johnson v. State of Wyoming* (Wyo. Dist. Ct. No. 18732)—The abortion conditional law case, which also seeks to devise a state constitutional abortion right was filed on July 25, 2022. Trial court granted preliminary injunction Aug. 10, 2022. If lifted, life would be protected from viability with an exception to save the mother’s life.

- Additional Provisions:

o Conditional law (H.B. 92, 66th Leg., Budget Sess. (Wyo. 2022))

States Allowing Abortion through Fetal Viability or Throughout Pregnancy:

1. Virginia

- State’s Strongest Limit: Abortion is prohibited after viability with exceptions for life of the mother or if it would “substantially and irremediably impair the mental or physical health of the woman.” (Va. Code § 18.2-74)
- Current Litigation: N/A
- Additional Provisions: N/A

2. Alaska

- State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
- Current Litigation:

o *Planned Parenthood Great Northwest, Hawaii, Alabama, Indiana, Kentucky v. State of Alaska* (Alaska Super. Ct. No. 3AN-19-11710CI)— The chemical abortion case arguing the physician-only rule is awaiting trial Mar. 28, 2023. However, Abortionists and State filed cross motions for summary judgment Aug. 2, 2022.

- Additional Provisions:

o The right to abortion is protected by the state constitution (*Valley Hosp. Ass’n, Inc. v. Mat-Su Coal. for Choice*, 948 P.2d 963 (Alaska 1997))

3. Colorado

- State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)

- Current Litigation: N/A
- Additional Provisions: N/A

4. District of Columbia

- State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
- Current Litigation:
 - o *North Texas Equal Access Fund v. American First Legal Foundation*

(D.D.C. NO. 1:22-cv-728)—Defendant filed motion to dismiss for lack of jurisdiction on April 22, 2022, with an answer filed on June 27, 2022 in the gestational limits case regarding the Texas Heartbeat Act (S.B. 8).

- Additional Provisions:

o Statutory protection for the right to abortion throughout pregnancy (D.C. Code § 2-1401.06)

5. New Jersey

- State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
- Current Litigation: N/A
- Additional Provisions:

o The right to abortion is protected by the state constitution (N.J. Const. Art. I, par. 1; *Right to Choose v. Byrne*, 450 A.2d 925 (N.J. 1982))

o Statutory protection for abortion throughout pregnancy (S.B. 49, 219th Leg., Reg. Sess. (N.J. 2022))

6. New Mexico

- State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
- Current Litigation: *Marker v. New Mexico* (D-504-cv-2022-310)—Defendants filed a motion to dismiss in the case regarding the repeal of a 1969 law criminalizing abortion in New Mexico.
- Additional Provisions: N/A

7. Vermont

- State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
- Current Litigation: N/A
- Additional Provisions:

o Statutory protection for abortion throughout pregnancy (Vt. Stat. Ann. tit. 18, §§ 9493 to 9494)

8. Oregon

• State’s Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)

- Current Litigation: N/A
- Additional Provisions:

o Statutory protection for abortion throughout pregnancy (Or. Rev. Stat. § 659.880)

Legislative Highlights

Florida enacted a “Heartbeat Protection Act,” SB 300.

Wyoming enacted enacted HB 152, the “Life is a Human Right Act,” based on AUL’s model legislation, as well as SF109, “Prohibiting Chemical Abortions.”

Montana enacted a Born Alive Infant Protection Act, HB 625.

Assisted suicide was voted down in numerous states, including Rhode Island, Maryland, Connecticut, and Virginia, and although enabling legislation was passed in Nevada, the governor vetoed it.

New Hampshire turned back a bill to eliminate its 24-week abortion limit, and also voted down a bill to make abortion a fundamental right.

Several states pushed very hard for early gestation limits, but came up short. Nonetheless, North Carolina override the pro-abortion governor’s veto by one vote. Nebraska voted down a “Heartbeat” bill, but slipped a 12-week limit into an unrelated bill. South Carolina overcame opposition from both parties, including voting down a thousand pro-abortion amendments, to pass a “Heartbeat” limit.

Challenges

Vermont extended its regime of assisted suicide to allow suicide by persons from outside the state.

Maryland passed a constitutional amendment for abortion on demand, HB705/SB 798.

The Rhode Island House passed a bill to expand taxpayer funding for elective abortion, HB 5006.

A Year in the Courts

Federal Courts

In the wake of *Dobbs*, federal courts that had previously entertained dozens of lawsuits to restrict state abortion laws dismissed dozens of cases, often quietly at the request of abortion industry advocates. A brief recap of the cases includes:

- ***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. Case dismissed per stipulated dismissal Aug. 8, 2022.
- ***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.

- ***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.](#)
- ***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).
- ***Rutledge v. Little Rock Family Planning Services*** (E.D. Ark. No. 4:15-cv-784) – 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*. Abortionists filed a notice of voluntary dismissal in district court. Trial court granted motion to dismiss without prejudice Aug. 2, 2022. [Amicus curiae brief filed on behalf of Americans United for Life.](#)
- ***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.
- ***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.

- ***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.
- ***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](#).
- ***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.
- ***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).

- ***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.
- ***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.

Chemical Abortion Litigation

Litigation has moved quickly in [*Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration*](#), the case challenging the Food & Drug Administration’s (FDA) approval and deregulation of chemical abortion. After the Supreme Court issued a stay of the district court’s order that suspended the 2000 approval of chemical abortion drugs, the case has returned to the Fifth Circuit, which has received briefing and held oral argument.

State of Washington v. Food & Drug Administration is before the Ninth Circuit after a district court preliminarily enjoined the FDA from “altering the status quo and rights as it relates to the availability of Mifepristone under the current operative January 2023 [REMS] in Plaintiff States.”

GenBioPro, the manufacturer of the generic chemical abortion drug, sued in federal court to keep its drug on the market in *GenBioPro, Inc. v. U.S. Food & Drug Administration*. The drug manufacturer also has an existing lawsuit in early litigation that alleges the FDA’s regulation of chemical abortion drugs preempts a state abortion abolition law in *GenBioPro, Inc. v. Sorsaia*.

There are other new chemical abortion lawsuits. In *Whole Woman’s Health Alliance v. United States Food & Drug Administration*, abortionists have challenged the FDA’s continued use of REMS (risk evaluation and mitigation strategies). A lawsuit has been filed against a Colorado law prohibiting the chemical abortion pill reversal in *Bella Health and Wellness v. Weiser*. In *City of Eunice v. Torrez*, a pro-life city has sought to enforce its city ordinance which requires compliance with federal restrictions on the mailing of chemical abortion drugs.

State Battles Over Abortion

Litigation has continued over whether state constitutions protect abortion. In *Oklahoma Call for Reproductive Justice v. Drummond*, the Oklahoma Supreme Court held “the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life.” The court subsequently held unconstitutional two abortion laws modeled after Texas S.B. 8 in *Oklahoma Call for Reproductive Justice v. State of Oklahoma*, finding they violated *Drummond*’s right to terminate a pregnancy to preserve a mother’s life. The North Dakota Supreme Court held the abortionists “demonstrated likely success on the merits that there is a fundamental right to an abortion in the limited instances of life-saving and health-preserving circumstances, and the statute is not narrowly tailored to satisfy strict scrutiny” in *Wrigley v. Romanick*.

The Georgia Supreme Court heard oral argument in the heartbeat law case, *SisterSong Women of Color Reproductive Justice Collective v. State of Georgia*, including the issue of whether the Georgia Constitution extends to abortion. The Kansas Supreme Court held oral arguments in *Hodes & Nauser v. Kobach*, involving the state’s dismemberment law, and *Hodes & Nauser v. Stanek*, which challenges health and safety licensing and chemical abortion provisions. The Kansas cases implicate the existing state constitutional “right” to abortion.

In *Weems v. Montana*, the Montana Supreme Court affirmed the permanent injunction against a physician-only rule so that advanced practice registered nurses may provide abortions. The court also crafted an abortion litigation standard, writing that “Article II, Section 10, of the Montana Constitution guarantees a woman a fundamental right of privacy to seek abortion care from a qualified health care provider of her choosing, absent a clear demonstration of a medically acknowledged, bona fide health risk.”

The Iowa Supreme Court also is considering the litigation standard for abortion cases after hearing oral argument on the state’s heartbeat law in *Planned Parenthood of the Heartland, Inc. v. Reynolds*. Last year, the court reversed its decision that devised an abortion right but left open the issue of the proper abortion litigation standard.

The Arizona Supreme Court is considering whether to review *Planned Parenthood Arizona Inc. v. Mayes*, which implicates the state’s pre-Roe law. You can read AUL’s friend-of-the-court brief in support of the petition for review [here](#).

Alabama

No cases reported.

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. Abortionists and State filed cross motions for summary judgment. Trial is set for the week of Nov. 13, 2023.

Arizona

Federal District Court

- ***Isaacson v. Mayes*** (9th Cir. No. 23-15234) – Abortion prenatal nondiscrimination (sex, race, and disability) and prenatal rights (personhood) case. 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. District court denied Plaintiffs’ renewed motion for a preliminary injunction Jan. 19, 2023. Appeal filed. Currently in briefing.

State Court

- ***Isaacson v. State of Arizona*** (Ariz. Super. Ct. No. CV2022-013091) – Abortion case requesting a declaratory judgment to reconcile Arizona’s abortion laws. Pro-life doctor and pregnancy resource center filed motion to intervene Oct. 10, 2022. Proceedings stayed Oct. 26, 2022. Court denied the motion to lift the stay to rule on the motion to intervene.
- ***Planned Parenthood Arizona, Inc. v. Mayes*** (Ariz. No. CV-23-0005-PR) – Abortion case challenging pre-Roe law. Permanent injunction issued Mar. 27, 1973. State moved for relief from judgment July 13, 2022. Trial court lifted permanent injunction Sept. 22, 2022. Court of appeals affirmed in part (lifting the injunction) and reversed in part (holding doctors can’t be prosecuted under the pre-Roe law if they comply with the 15-week limit) Dec. 30, 2022. Petition for review filed in Arizona Supreme Court Mar. 1, 2023. Currently in briefing. [AUL’s amicus curiae brief on behalf of Center for Arizona Policy.](#)

Arkansas

No cases reported.

California

U.S. Supreme Court

- ***Californiaa v. Vidal*** (No. 22-794) – Personhood case that urges constitutional protection of unborn children and reversal of *United States v. Vuitch*. Supreme Court denied petition for a writ of certiorari Mar. 27, 2023, and denied petition for rehearing May 15, 2023.
- ***National Abortion Federation v. Center for Medical Progress*** (No. 22-1135) – Free speech case regarding David Daleiden’s undercover videos. District court granted NAF’s motion for summary judgment and permanent injunction. 9th Circuit affirmed. 9th Circuit denied Center for Medical Progress’ petition for rehearing and petition for rehearing en banc Dec. 19, 2022. Center for Medical Progress filed Supreme Court petition for a writ of certiorari May 17, 2023.

Federal Court of Appeals

- ***A.B. v. Chart, Inc.*** (9th Cir. No. 21-17016) – In vitro fertilization case regarding loss of cryogenically stored eggs and embryos under an emotional distress theory. Judgment following jury verdict for plaintiffs against Chart Industries. Chart Industries appealed. Parties settled. Appeal voluntarily dismissed Mar. 31, 2023.
- ***City & County of San Francisco v. Becerra*** (9th Cir. Nos. 20-16045 (lead case), 20-15398, 20-15399) – Conscience rights case regarding HHS conscience protection rule. Status report filed Apr. 3, 2023. Held in abeyance pending HHS rulemaking.
- ***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 affirmed in part (most issues) and reversed and vacated in part (Federal Wiretap Act claim). 9th Circuit denied Daleiden’s petition for panel rehearing and petition for rehearing en banc Mar. 1, 2023. 9th Circuit granted Daleiden’s motion to stay the mandate pending application for a Supreme Court writ of certiorari Mar. 9, 2023. [*Amicus curiae* brief on behalf of Americans United for Life.](#)
- ***Shavelson v. Bonta*** (9th Cir. No. 23-15003) – Assisted suicide case urging, under federal disability rights laws, expansion of the End of Life Option Act to active euthanasia of persons with disabilities. District court granted motions to dismiss Dec. 7, 2022. Assisted suicide activists appealed. 9th Circuit granted parties’ stipulated motion for voluntary dismissal after the sole remaining patient-plaintiff passed away May 22, 2023.

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. District Court granted Little Sisters of the Poor’s motion to intervene Jan. 19, 2023. Status report filed May 1, 2023.

- ***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. Motion to intervene filed by Compassion & Choices. District court granted preliminary injunction in part on free speech grounds. Court denied State’s motion for reconsideration of the preliminary injunction Nov. 21, 2022. Per parties’ stipulation, district court entered final judgment with a permanent injunction May 17, 2023.
- ***Foothill Church v. Watanabe*** (E.D. Cal. No. 2:15-cv-2165) – Conscience rights case regarding California’s abortion insurance mandate. District court granted summary judgment in part for plaintiffs on Free Exercise Clause claim but granted summary judgment in part for defendants on Equal Protection Clause claim Aug. 25, 2022. Per court order, parties filed supplemental briefs on the scope of the injunction. District court issued a permanent injunction Feb. 3, 2023.
- ***Skyline Wesleyan Church v. California Department of Health*** (S.D. Cal. No. 3:16-cv-501) – Conscience rights case regarding California’s abortion insurance mandate. 9th Circuit reversed in part, vacated in part, and remanded Aug. 19, 2020. Per the parties’ stipulation, the court entered final judgment on the Free Exercise Clause claim May 11, 2023.
- ***United Spinal Association v. State of California*** (C.D. Cal. No. 2:23-cv-3107) – Assisted suicide case challenging California’s End of Life Option Act as unlawful for discriminating against persons with disabilities. Complaint filed Apr. 25, 2023.

State Court

- ***Bakersfield Crisis Pregnancy Center v. California Department of Managed Health Care*** (Cal. Super. App. No. BCV-22-102617) – Pro-life lawsuit challenging California’s Abortion Accessibility Act for funding abortion but not childbirth, alleging violations of state constitutional rights to privacy and equal protection. Court partially denied (regarding certain plaintiffs) and partially granted (regarding certain plaintiffs, but with leave to amend the complaint) the State’s demurrer and motion to strike the plaintiffs’ first amended complaint May 8, 2023.

Colorado

Federal District Court

- ***Bella Health and Wellness v. Weiser*** (D. Colo. No. 1:23-cv-939) – Chemical abortion pill reversal case challenging a Colorado law that prohibits abortion pill reversals. Complaint filed Apr. 14, 2023. District court denied motion for a preliminary injunction Apr. 28, 2023, indicating the defendants are not enforcing the law until rulemaking, as provided by the bill, occurs.

State Court

- ***Morris v. Centura Health Corporation*** (Colo. Ct. App. Nos. 21CA1855 & 21CA1896) – Employment termination case that implicates institutional (hospital) rights of conscience against assisted suicide. Colorado Court of Appeals reversed and remanded the district court’s grant of summary judgment in favor of the hospital Apr. 13, 2023.

Connecticut

[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. Planned Parenthood filed a motion to strike second amended complaint Apr. 19, 2023. Trial set for Sept. 10, 2024.

Delaware

No cases reported.

District of Columbia

[Federal Court of Appeals](#)

- ***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. D.C. Circuit affirmed Feb. 28, 2023.
- ***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. Oral argument held Sept. 28, 2022. [Amicus curiae brief on behalf of Americans United for Life](#).

[Federal District Court](#)

- ***Advancing American Freedom v. U.S. Department of Justice*** (D.D.C. No. 23-cv-743) – Freedom of Information Act (FOIA) lawsuit to obtain records regarding DOJ’s actions regarding pregnancy resource centers and possible failure to prosecute attacks on the centers. Complaint filed Mar. 20, 2023. Answer filed May 2, 2023.
- ***Judicial Watch, Inc. v. U.S. Department of Health and Human Services*** (D.D.C. No. 1:22-cv-3152) – Freedom of Information Act (FOIA) lawsuit to obtain records regarding chemical abortion drug stability and dissolution test results and manufacturing compliance. Complaint filed Oct. 17, 2022. Answer entered. Joint status report filed Mar. 30, 2023.
- ***L. v. National Air & Space Museum*** (D.D.C. No. 1:23-cv-335) – Free speech, equal protection, and RFRA case in which museum staff targeted and discriminated against

Plaintiffs for wearing hats with the inscription, “Rosary Pro-Life.” Complaint filed Feb. 6, 2023. District court granted joint motion for consent preliminary injunction and referred the case to mediation Mar. 13, 2023. Stayed pending mediation.

- ***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. Answer filed June 27, 2022. No recent action.
- ***R. v. National Archives & Records Administration*** (D.D.C. No. 1:23-cv-365) –Free speech, equal protection, and RFRA case in which the National Archives’ security officers allegedly told Plaintiffs to remove or cover their attire because of their pro-life messages. Complaint filed Feb. 8, 2023. Consent preliminary injunction entered and case referred to mediation Feb. 16, 2023. Stayed pending mediation.
- ***United States of America v. Handy*** (D.D.C. No. 1:22-cr-96) – Freedom of Access to Clinic Entrances (FACE) Act criminal case charging pro-life advocates. Defendant Handy filed motion to dismiss for lack of jurisdiction arguing that the FACE Act is predicated on a violation of a constitutional right, but *Dobbs* recognized there is no constitutional right to abortion Jan. 27, 2023. District court ordered briefing on whether any other constitutional provision confers a right to abortion Feb. 6, 2023. Defendant Idoni filed a motion to dismiss May 2, 2023, including an argument that the FACE Act is unconstitutional because it does not recognize the personhood of unborn children. Trial set for Sept. 6, 2023.

Florida

Federal District Court

- ***Heartbeat of Miami, Inc. v. Jane’s Revenge*** (M.D. Fla. No. 8:23-cv-705) – Freedom of Access to Clinic Entrances (FACE) Act civil case seeking damages and injunctive relief for vandalization of pregnancy resource centers. Amended complaint filed Apr. 14, 2023.
- ***Moody v. Freestone*** (M.D. Fla. No. 8:23-cv-701) – Freedom of Access to Clinic Entrances (FACE) Act civil case seeking damages and injunctive relief for vandalization of pregnancy resource centers. Amended complaint filed Apr. 18, 2023. Defendants filed motions to stay proceedings pending the criminal action (M.D. Fla. No. 8:23-cr-25).
- ***United States of America v. Freestone*** (M.D. Fla. No. 8:23-cr-25) – Freedom of Access to Clinic Entrances (FACE) Act criminal case alleging vandalization of pregnancy resource centers. Jury trial set for July 2023 trial term.

State Court

- ***Generation to Generation, Inc. v. State of Florida*** (Fla. Cir. Ct. No. 2022-CA-980) – Abortion gestational limits (15-week) case, alleging infringement on free exercise of religion. Court granted State’s motion to dismiss. Third amended complaint filed May 15, 2023.
- ***Hafner v. State of Florida*** (Fla. Cir. Ct. Nos. 2022-014370-CA-01 (lead), 2022-014371-CA-01, 2022-014372-CA-01, 2022-014373-CA-01, & 2022-014374-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Amended complaint filed Apr. 27, 2023.
- ***Planned Parenthood of Southwest and Central Florida v. State of Florida*** (Fla. Nos. SC22-1050 (lead), SC22-1127) – Abortion gestational limits (15-week) case implicating the state constitutional abortion “right.” Trial court granted temporary injunction. Court of Appeal reversed. Florida Supreme Court accepted jurisdiction. Case is briefed and awaiting oral argument.

Georgia

State Court

- ***SisterSong Women of Color Reproductive Justice Collective v. State of Georgia*** (Ga. No. S23M0358) – Abortion gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.” Trial court issued permanent injunction Nov. 15, 2022, finding the LIFE Act was void *ab initio*. Georgia Supreme Court granted State’s emergency petition for supersedeas of the permanent injunction Nov. 23, 2022. Oral argument held Mar. 28, 2023.

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. 9th Circuit denied Guam’s motion for summary reversal without prejudice Aug. 18, 2022. Oral argument held Feb. 16, 2023.

Hawaii

Federal District Court

- ***Chelius v. Becerra*** (D. Haw. No. 1:17-cv-493) – Chemical abortion case challenging mifepristone REMS. Amended complaint filed Apr. 10, 2023. Defendants filed motion

to stay proceedings pending *Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration* (5th Cir. No. 23-10362).

Idaho

Federal Court of Appeals

- ***United States of America v. State of Idaho*** (9th Cir. No. 23-35153) – Anti-life lawsuit to enforce EMTALA abortion mandate. Complaint filed Aug. 2, 2022. Granted plaintiff’s motion for a preliminary injunction Aug. 24, 2022. Motion for reconsideration filed Sept. 7, 2022. District court denied state legislators’ motion to intervene Feb. 3, 2023. State legislators appealed Mar. 3, 2023. Opening brief due June 12, 2023. Answering brief due July 12, 2023. District court denied motion to reconsider preliminary injunction May 4, 2023 (D. Idaho No. 1:22-cv-329).

Federal District Court

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. Labrador*** (D. Idaho No. 1:23-cv-142) – Abortion case challenging the Idaho Attorney General’s guidance that Idaho law prohibits Idaho medical professionals from referring for abortion across state lines, alleging violations of Free Speech, Commerce, and Due Process Clauses. Complaint filed Apr. 5, 2023.
- ***The Satanic Temple v. Little*** (D. Idaho No. 1:22-cv-411) – Abortion case challenging the conditional law and gestational limits (heartbeat), under the Takings Clause, Involuntary Servitude Clause, Equal Protection Clause, and Idaho Religious Freedom Act. Amended complaint filed Dec. 13, 2022. Motion to dismiss filed Mar. 14, 2023.

State Court

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho*** (Idaho Nos. 49615-2022, 49817-2022, and 49899-2022) – Consolidated abortion case challenging the conditional law and gestational limits (heartbeat), which also seeks to devise a state constitutional abortion “right.” Idaho Supreme Court held there is no state constitutional right to abortion and upheld the state’s abortion laws Jan. 5, 2023.

Illinois

Federal District Court

- ***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. Parties filed cross-motions to strike expert testimony July 11, 2022. Court asked for briefing on effect, if

any, of *Doe v. Rokita*, No. 22-2748 (7th Cir. Nov. 28, 2022). On Jan. 17, 2023, the district court indicated the case will proceed to trial.

- ***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. Answer filed June 27, 2022. No recent major action.

Indiana

U.S. Supreme Court

- ***Doe v. Rokita*** (No. 22-951) – Fetal remains case. District court preliminarily enjoined law on free speech and free exercise grounds. 7th Circuit reversed and remanded, with instructions to dismiss the suit with prejudice Nov. 28, 2022. 7th Circuit denied abortionists’ petition for rehearing and petition for rehearing en banc Dec. 28, 2022. District court vacated the permanent injunction and dismissed the case with prejudice Jan. 6, 2023 (S.D. Ind. No. 1:20-cv-3247). Supreme Court denied petition for a writ of certiorari May 1, 2023.

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. Parties filed joint motion to stay deadlines and proceedings, indicating the parties would settle the case Nov. 29, 2022. District court granted motion in part, staying the case until Aug. 31, 2023.
- ***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. District court granted State’s motion for judgment on the pleadings Mar. 31, 2023.
- ***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 contraceptive mandate. Stayed pending rulemaking. Status report filed May 15, 2023.
- ***Planned Parenthood of Indiana & Kentucky v. Commissioner, Indiana State Department of Health*** (S.D. Ind. No. 1:17-cv-1636) – Abortion parental notice case. Supreme Court granted, vacated, and remanded the case for further consideration in light of *Dobbs*. 7th Circuit vacated preliminary injunction barring enforcement of parental notice provision and remanded the case for further proceedings. Court approved parties’ briefing schedule regarding remaining issues of life, rape, and incest exceptions, and provision prohibiting aiding an unemancipated minor to obtain an

abortion. State and abortionists filed cross-motions for summary judgment, Jan. 18 & Feb. 21, 2023, respectively. [Amicus curiae brief on behalf of Americans United for Life](#).

- ***The Satanic Temple v. Holcomb*** (S.D. Ind. No. 1:22-cv-1859) – Abortion case challenging the abortion abolition law under the Takings Clause, Involuntary Servitude Clause, Equal Protection Clause, and Indiana Religious Freedom Restoration Act. Amended complaint filed Mar. 23, 2023. Motion to dismiss for failure to state a claim filed May 22, 2023.

State Court

- ***Anonymous Plaintiffs 1-5 v. The Individual Members of the Medical Licensing Board of Indiana*** (Ind. Ct. App. No. 22A-PL-02938) – Challenge to abortion abolition law alleging a state RFRA claim. Trial court granted motion for preliminary injunction Dec. 2, 2022. Appealed and currently in briefing before the Indiana Court of Appeals. Trial court hearing on class certification held Apr. 4, 2023 (Ind. Sup. Ct. No. 49D01-2209-PL-031056). Indiana Court of Appeals oral argument set for Sept. 12, 2023.
- ***Bernard v. Rokita*** (Ind. Sup. Ct. No. 49D13-2211-MI-038101) – Lawsuit seeking declaratory judgment and permanent injunction against attorney general’s abortion consumer complaint investigations. Court denied abortionist’s motion for preliminary injunction Dec. 2, 2022. Abortionist filed notice of voluntary dismissal Dec. 8, 2022. On Apr. 21, 2023, the State withdrew its motion to strike abortionists’ notice of voluntary dismissal and to reconsider and correct the error in the court’s Dec. 2, 2022 order.
- ***Planned Parenthood Great Northwest, Hawai’i, Alaska, Indiana, Kentucky, Inc. v. Members of the Medical Licensing Board of Indiana*** (Ind. Sup. Ct. No. 22S-PL-338) – Challenge to abortion abolition law, which also seeks to devise a state constitutional abortion “right.” Complaint filed Aug. 30, 2022. Preliminary injunction issued Sept. 22, 2022, finding it was likely the state constitution protected abortion. Case transferred to state supreme court. Oral argument held Jan. 19, 2023.

Iowa

State Court

- ***Planned Parenthood of the Heartland, Inc. v. Reynolds*** (Iowa No. 22-2036) – Abortion gestational limits (heartbeat) case. Permanent injunction issued Jan. 22, 2019. Trial court denied State’s motion to dissolve the permanent injunction Dec. 12, 2022. State appealed to Iowa Supreme Court. Abortionists filed a motion to dismiss the appeal as untimely or to proceed through a writ of certiorari Dec. 27, 2022. Oral argument held Apr. 11, 2023.

Kansas

State Court

- ***Hodes & Nauser v. Kobach*** (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. Oral argument held March 27, 2023.
- ***Hodes & Nauser 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. Oral argument held March 27, 2023.
- ***Trust Women Foundation Inc. v. Bennett*** (Kan. Dist. Ct. No. 2019-cv-60) – Chemical abortion (telemedicine) case. Kansas Court of Appeals reversed denial of temporary injunction and held that Trust Women had standing to sue the Board of Healing Arts. Kansas Supreme Court denied state officials’ petition for review of opinion. Trial court granted temporary injunction Nov. 23, 2022. District court granted abortionists’ unopposed motion to stay proceedings Mar. 13, 2023.

Kentucky

Federal Court of Appeals

- ***Clark v. Bendapudi*** (6th Cir. No. 22-5983) – Free speech case regarding pro-life viewpoint discrimination. Amended complaint filed. District court granted motion to dismiss Sept. 30, 2022. Appealed to 6th Circuit. Case is briefed.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron*** (6th Cir. No. 22-5832) – 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*. Cameron appealed. 6th Circuit remanded to district court for further proceedings consistent with *Dobbs*. District court partially dissolved preliminary injunction on July 14, 2022, and again on Aug. 30, 2022. Cameron filed interlocutory appeal. 6th Circuit denied abortionists’ motion to dismiss appeal for lack of jurisdiction Feb. 22, 2023. Case is briefed, with oral argument set for June 15, 2023.

Federal District Court

- ***EMW Women’s Surgical Center v. Friedlander*** (W.D. Ky. No. 3:17-cv-189) – Abortion health and safety (transfer agreement) case. Per court order, parties filed briefing on status of claims post-*Dobbs* Nov. 1, 2022.
- ***Sisters for Life, Inc. v. Louisville-Jefferson County, KY Metro Government*** (W.D. Ky. Nos. 3:21-cv-367 (lead), 3:21-cv-691) – Sidewalk counselors’ case challenging buffer zone law. Second amended complaint filed. District court denied the motion for

a preliminary injunction Feb. 25, 2022. Sixth Circuit reversed and remanded Dec. 21, 2022. District court issued a preliminary injunction Jan. 3, 2023. Plaintiffs filed motions for summary judgment Mar. 16, 2023. Defendants filed motion to dismiss Mar. 16, 2023.

State Court

- ***EMW Women’s Surgical Center, P.S.C. v. Cameron*** (Ky. No. 2022-SC-0329) – Abortion conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.” Preliminary injunction issued, finding that abortion is protected under state constitutional provisions for privacy, equal protection, and religious freedom. Court of appeals granted emergency relief, thus dissolving the preliminary injunction. Kentucky Supreme Court affirmed and remanded, holding abortionists lacked third-party standing Feb. 16, 2023.
- ***Sobel v. Cameron*** (Ky. Cir. Ct. No. 22-CI-005189) – Abortion conditional law case, alleging a free exercise claim. Complaint filed Oct. 6, 2022. Removed to federal court. District court granted Plaintiffs’ motion to remand to state court Dec. 14, 2022.

Louisiana

State Court

- ***June Medical Services, LLC v. Landry*** (La. Ct. App. No. 2022 CW 1077) – Abortion conditional law case. Preliminary injunction issued July 21, 2022. Court of Appeal lifted the preliminary injunction Aug. 1, 2022. Louisiana Supreme Court denied the abortionists’ emergency writ, allowing the conditional law to remain in effect Aug. 12, 2022. Case pending in the Court of Appeal.

Maine

No cases reported.

Maryland

Federal District Court

- ***GenBioPro, Inc. v. U.S. Food & Drug Administration*** (D. Md. No. 8:23-cv-1057) – Drug manufacturer seeking to keep its generic chemical abortion drug on the market. Complaint filed Apr. 19, 2023.

Massachusetts

No cases reported.

Michigan

Federal District Court

- ***United States of America v. Zastrow*** (E.D. Mich. No. 2:23-cr-20100) – Freedom of Access to Clinic Entrances (FACE) Act criminal case charging pro-life advocates. Motions due by June 16, 2023. Pleas due by June 30, 2023. Final pretrial conference set for July 17, 2023. Jury trial set for Aug. 1, 2023.

State Court

- ***In re Jarzynka*** (Mich. No. 164753) – 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. State supreme court denied the application for leave to appeal May 10, 2023, with a concurrence agreeing the case is moot, but highlighting justiciability concerns with the Court of Claims’ decision.

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 June 16, 2023, or until further order of the Court.
- ***Pro-Life Action Ministries v. City of Minneapolis*** (D. Minn. No. 0:23-cv-853) – Sidewalk counseling case challenging buffer zone ordinance. Amended complaint filed May 15, 2023.

State Court

- ***Anderson v. Aitkin Pharmacy Services, LLC*** (Minn. Ct. App. Nos. A23-0374 (lead) & A23-0484) – Conscience case alleging sex discrimination when a pharmacist conscientiously objected to filling an emergency contraception prescription. Jury found no sex discrimination occurred, but Plaintiff was entitled to damages for emotional harm. Court denied Plaintiff’s motion for a new trial. Appealed and currently in briefing before the Minnesota Court of Appeals.
- ***Doe v. State of Minnesota*** (Minn. No. A22-1265) – Omnibus abortion case regarding health and safety, reporting, informed consent, fetal remains, and parental notification provisions. Trial court granted in part and denied in part abortionists’ motion for summary judgment, permanently enjoining most challenged provisions. Trial court

denied motion to intervene by Traverse County Attorney. Traverse County Attorney appealed. Abortionists appealed, seeking conditional review of the interlocutory order granting partial summary judgment to the State, but their appeal is stayed pending resolution of the intervention issue. Trial court denied Mothers Offering Maternal Support’s (“MOMS”) motion to intervene Mar. 14, 2023. MOMS appealed (Minn. Ct. App. No. A23-0620). Minnesota Court of Appeals affirmed denial of Traverse County Attorney’s motion to intervene. Traverse County Attorney appealed to Minnesota Supreme Court.

Mississippi

[State Court](#)

- ***American Association of Pro-life Obstetricians and Gynecologists v. Mississippi State Board of Medical Licensure*** (Miss. Ch. Ct. No. 25CH1:22-cv-01371) – Pro-life lawsuit seeking a declaratory judgment that Mississippi’s abortion abolition law is lawful under the state constitution. Complaint filed Nov. 14, 2022.

Missouri

[U.S. Supreme Court](#)

- ***Chapman v. Doe*** (E.D. Mo. No. 2:19-cv-25) – Abortion parental involvement case, which alleged a minor’s constitutional right to obtain an abortion. The Supreme Court granted, vacated, and remanded the case Mar. 20, 2023. As directed by the Eighth Circuit, the district court dismissed the case as moot May 4, 2023.

Montana

[State Court](#)

- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DV- 21-0999) – Abortion “minibus” case regarding 20-week limit, chemical abortion, ultrasound viewing, and fetal heart tone provisions. Trial court granted preliminary injunction Oct. 7, 2021. Montana Supreme Court affirmed on Aug. 15, 2022, refusing to reconsider *Armstrong* at the preliminary injunction stage of litigation. Cross-motions for summary judgment filed Apr. 21, 2023 (abortionists) and May 12, 2023 (State).
- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DV-25-2023-231) – Abortion gestational limits (dismemberment) case. Amended complaint filed May 3, 2023. State filed renewed motion to dismiss May 4, 2023. Temporary restraining order issued May 18, 2023. Preliminary injunction hearing held May 23, 2023.

- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DV-25-2023-299) – Abortion funding restriction case challenging state “Hyde Amendment.” Amended complaint filed May 18, 2023.
- ***Planned Parenthood of Montana v. Montana*** (Mont. DA 23-0272) – Abortion challenge to parental consent law. Trial court preliminarily enjoined law June 28, 2013. District court permanently enjoined the parental consent law but ordered a trial on the notification law Feb. 21, 2023. Appealed to Montana Supreme Court.
- ***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. Montana Supreme Court affirmed, holding the State has not provided “a clear demonstration of a medically acknowledged, bona fide health risk” of APRNs providing abortions May 12, 2023. Briefed and oral argument held Dec. 14, 2022.

Nebraska

[State Court](#)

- ***Planned Parenthood of the Heartland, Inc. v. Hilgers*** (Neb. Dist. Ct. No. CI 23-1820) – Abortion gestational limits (12 weeks) case challenging Nebraska L.B. 574. Complaint filed May 30, 2023. Motion for a temporary restraining order and temporary injunction filed May 30, 2023.

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 the case and permitted the constitutional challenge. Case is briefed and submitted for decision.

New Hampshire

No cases reported.

New Jersey

No cases reported.

New Mexico

Federal District Court

- ***Lacy v. Torrez*** (D.N.M. No. 1:22-cv-953) – Assisted suicide and rights of conscience case challenging the Elizabeth Whitefield End-of-Life Options Act’s provisions that require a physician to tell patients of the availability of suicide assistance and refer for the practice. Defendant Torrez filed a motion to dismiss Mar. 10, 2023. Remaining Defendants filed an answer Mar. 10, 2023. Voluntarily dismissed Apr. 5, 2023 after the state amended the assisted suicide statute to expand conscience protections.

State Court

- ***City of Eunice v. Torrez*** (N.M. Dist. Ct. No. D-506-CV-202300407) – Pro-life lawsuit seeking to enforce city ordinance, which requires compliance with federal restrictions on the mailing of chemical abortion drugs. Complaint filed Apr. 17, 2023.
- ***State of New Mexico ex rel. Raul Torrez v. Board of County Commissioners for Lea County*** (N.M. No. S-1-SC-39742) – Mandamus action, which seeks to devise a state constitutional abortion “right.” Attorney General filed writ of mandamus with New Mexico Supreme Court Jan. 23, 2023. Case is briefed.

New York

Federal Court of Appeals

- ***CompassCare v. Hochul*** (2d Cir. Nos. 22-951 (lead), 22-1076) – Conscience rights case regarding the abortion-related “Boss Bill.” 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. Stay lifted. CompassCare’s brief filed Apr. 7, 2023. State’s brief due July 6, 2023.
- ***Vitagliano v. County of Westchester*** (2d Cir. No. 23-30) – Sidewalk counseling case challenging buffer zone law. District court held plaintiff lacked Article III standing and failed as a matter of law. 2nd Circuit oral argument held May 9, 2023.

Federal District Court

- ***Moore v. Planned Parenthood Federation of America, Inc.*** (S.D.N.Y. No. 1:22-cv-8899) – Racial discrimination lawsuit against Planned Parenthood. Complaint filed Oct. 19, 2022. Answer filed Dec. 20, 2022.
- ***Slattery v. Hochul*** (N.D.N.Y. No. 1:20-cv-112) – Conscience rights case regarding the abortion-related “Boss Bill.” District court granted motion to dismiss. 2nd Circuit reversed Evergreen Association’s expressive association claim, affirmed the judgment

in all other respects, and remanded for further proceedings Feb. 27, 2023. Answer filed May 5, 2023.

- ***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. District court denied Plaintiffs’ post-*Dobbs* motions seeking to reopen the judgment and file an amended complaint Mar. 22, 2023.

North Carolina

Federal District Court

- ***Bryant v. Stein*** (M.D.N.C. No. 1:23-cv-77) – Chemical abortion case alleging preemption of pro-life state laws. Complaint filed Jan. 25, 2023. District court granted state legislators’ motion to intervene Mar. 10, 2023. Intervenors-Defendants answer filed Apr. 28, 2023.

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. Joint status report filed July 25, 2022. No recent major action.

State Court

- ***Wrigley v. Romanick*** (N.D. No. 20220260) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Trial court granted preliminary injunction. North Dakota Supreme Court denied relief on Mar. 16, 2023, holding the abortionists “demonstrated likely success on the merits that there is a fundamental right to an abortion in the limited instances of life-saving and health-preserving circumstances, and the statute is not narrowly tailored to satisfy strict scrutiny.”

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. Oral argument held Oct. 27, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

[Federal District Court](#)

- ***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 pending appeal of the preliminary injunction in *Preterm-Cleveland v. Yost* (Ohio No. A2023-0004).
- ***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 case pending proceedings in *Preterm-Cleveland v. Yost* (Ohio No. A2023-0004).
- ***Preterm-Cleveland v. Yost*** (Ohio No. A2023-0004) – Abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion “right.” Preliminary injunction issued Oct. 12, 2022. Ohio Supreme Court accepted jurisdiction on the standing issue and whether a preliminary injunction can immediately be appealed, but declined to hear the issue of whether the Ohio Constitution creates a right to abortion. Currently in briefing.
- ***State of Ohio ex rel. DeBlase v. Ohio Ballot Board*** (Ohio No. 2023-0388) – Abortion ballot initiative case seeking to break the initiative into multiple measures because abortion is unique from other reproductive decisions. Complaint for writ of mandamus filed Mar. 20, 2023. Case is briefed.
- ***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. Granted abortionists’ motion to stay proceedings pending *Preterm-Cleveland v. Yost* (Ohio No. A2023-0004).

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 abortion abolition 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 abortion abolition case. The case is on appeal to the Oklahoma Supreme Court (Okla. No. 119918), except for the gestational limits (Okla. S.B. 612) issue. At plaintiffs’ request, court struck plaintiffs’ motion to supplement petition and for a stay of proceedings along with a supplemental petition and a motion for a temporary injunction barring S.B. 612.
- ***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 abolishing abortion. Oklahoma Supreme Court denied abortionists’ supplemental emergency motion for an immediate temporary restraining order and/or temporary injunction June 27, 2022. Oklahoma Supreme Court held unconstitutional both acts under *Drummond’s* right to terminate a pregnancy when necessary to preserve the mother’s life May 31, 2023.
- ***Oklahoma Call for Reproductive Justice v. Drummond*** (Okla. No. 120543) – Abortion gestational limits case challenging 2022 abortion abolition law and 1910 pre-Roe law, also 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 July 1, 2022. On Mar. 21, 2023, the Oklahoma Supreme Court determined “the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life,” holding unconstitutional the 2022 law, but upholding the 1910 pre-Roe law.
- ***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. No recent major action.
- ***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

No cases reported.

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. Oral argument held Oct. 26, 2022. [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. Motion to dismiss is briefed and hearing is set for June 15, 2023.

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. Distributed for Sept. 28, 2022 conference. Apparently being held pending *Health and Hospital Corporation of Marion County, Indiana v. Talevski* (No. 21-806). [Amicus curiae brief on behalf of Americans United for Life.](#)

State Court

- ***Planned Parenthood South Atlantic v. State of South Carolina*** (S.C. Cir. Ct. No. 2023CP4002745) – Abortion gestational limits (heartbeat) case. Complaint filed May

25, 2023. State legislators filed motion to intervene May 25, 2023. Temporary restraining order issued May 26, 2023.

South Dakota

No cases reported.

Tennessee

No cases reported.

Texas

Federal Court of Appeals

- ***Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration*** (5th Cir. No. 23-10362) – Pro-life challenge to FDA approval and deregulation of chemical abortion drugs. District court issued Section 705 stay of FDA’s 2000 approval of mifepristone. 5th Circuit stayed the district court’s ruling in part. Supreme Court stayed the district court’s ruling pending resolution of appeals. 5th Circuit held oral argument May 17, 2023. [AUL’s amicus curiae brief on behalf of 94 Members of the United States Congress](#).
- ***Deanda v. Becerra*** (5th Cir. No. 23-10159) – Abortion parental involvement case alleging Title X funds violate Texas Family Code and parental rights. District court granted Deanda’s motion for summary judgment and denied Becerra’s cross-motion. District court entered final judgment Dec. 20, 2022. Becerra appealed to 5th Circuit. Currently in briefing.
- ***State of Texas v. Becerra*** (5th Cir. No. 23-10246) – Pro-life challenge to EMTALA abortion mandate. District court entered a permanent injunction against the abortion mandate Jan. 13, 2023. HHS appealed the permanent injunction Mar. 10, 2023. Currently in briefing.
- ***The Satanic Temple, Inc. v. Texas Health and Human Service Commission*** (5th Cir. No. 22-20459) – Abortion informed consent (ultrasound) law, alleging infringement on free exercise of religion. Amended complaint and motion for temporary restraining order filed Aug. 22, 2022. District court denied temporary restraining order and preliminary injunction Sept. 7, 2022. Appealed to 5th Circuit. Case is briefed and is being decided on submission of the briefs.

Federal District Court

- ***Carter v. McDonough*** (W.D. Tex. No. 6:22-cv-1275) – Pro-life challenge to Veterans Affairs interim final rule that permits abortions at VA clinics, alleging RFRA and Free Exercise claims. Preliminary injunction motion is briefed. District court granted VA’s

motion to stay deadlines pending resolution of the preliminary injunction motion Feb. 10, 2023.

- ***State of Texas v. Becerra*** (W.D. Tex. No. 7:23-cv-22) – Pro-life challenge to HHS’ guidance that requires pharmacies to dispense chemical abortion drugs in violation of State law purportedly as a condition of accepting certain federal funds. Amended complaint filed Feb. 28, 2023. Motion to dismiss filed May 8, 2023.
- ***Strader v. CVS Health Corporation*** (N.D. Tex. No. 4:23-cv-38) – Conscience rights case alleging CVS revoked a nurse practitioner’s religious accommodation to conscientiously object to prescribing contraception and abortifacient drugs. Complaint filed Jan. 11, 2023. Amended answer filed Apr. 7, 2023.
- ***U.S. ex rel. Life Legal Defense Foundation v. ASD Specialty Healthcare, LLC*** (E.D. Tex. No. 4:21-cv-88) – *Qui tam* action under the False Claims Act alleging abortion drug manufacturer’s failure to pay certain customs duties. Lawsuit settled, with Danco Laboratories, LLC agreeing to pay \$765,000.
- ***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. No recent major action.

State Court

- ***North Texas Equal Access Fund v. Maxwell*** (Tex. Ct. App. No. 02-22-00347-CV) – 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. Trial court granted motion to dismiss. Appealed to Texas Court of Appeals. Court of Appeals denied motion to set coordinated briefing schedule and consolidate appeals for oral argument with *Weldon v. The Lilith Fund for Reproductive Equity* (Tex. Ct. App. No. 02-22-00413-CV). Case is briefed, and court is deciding it on submission of briefs.
- ***Silva v. Noyola*** (Tex. Dist. Ct. No. 23-CV-0375) – Abortion case alleging the wrongful death of the aborted unborn child. Petition filed Mar. 10, 2023. Cross claim against state officials filed Mar. 13, 2023. Answer and counter claim filed May 1, 2023.
- ***Weldon v. The Lilith Fund for Reproductive Equity*** (Tex. Ct. App. No. 02-22-00413-CV) – 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. Weldon’s motion to dismiss was denied by operation

law. Appealed to Texas Court of Appeals. Court of Appeals denied motion to set coordinated briefing schedule and consolidate appeals for oral argument with *North Texas Equal Access Fund v. Maxwell* (Tex. Ct. App. No. 02-22-00347). Case is briefed, and court is deciding it on submission of briefs.

- ***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. Texas Right to Life filed suggestion of mootness Sept. 9, 2022, which the parties have briefed. Case is briefed, and court is deciding it on submission of briefs.
- ***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 jurisdiction. Court of Appeals affirmed. Texas Supreme Court vacated and remanded the case for further proceedings. [Amicus curiae brief filed on behalf of Americans United for Life.](#)
- ***Zurawski v. State of Texas*** (Tex. Dist. Ct. No. D-1-GN-23-000968) – Pro-abortion challenge to the exceptions of Texas’ abortion abolition laws. Original petition for declaratory judgment and application for permanent injunction filed Mar. 6, 2023. Application for temporary injunction filed May 22, 2023.

Utah

[State Court](#)

- ***Planned Parenthood Association of Utah v. State of Utah*** (Utah No. 20220696) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 25, 2022. Trial court granted preliminary injunction July 11, 2022. Appealed to Utah Supreme Court. Case is briefed. Abortionists filed amended complaint in the trial court (Utah Dist. Ct. No. 220903886), adding a challenge to H.B. 467, which institutes a hospital-only rule by prohibiting the licensing of new abortion clinics or relicensing of current abortion clinics. Trial court issued preliminary injunction May 2, 2023.

Vermont

No cases reported.

Virginia

[Federal District Court](#)

- ***Casey v. MinuteClinic Diagnostic of Virginia, LLC*** (E.D. Va. No. 1:22-cv-1127) – Conscience rights case regarding the termination of a nurse practitioner after she conscientiously objected to prescribing abortion-inducing drugs. Amended complaint

filed May 18, 2023. Discovery due Sept. 14, 2023. Final pretrial conference set for Sept. 20, 2023.

- ***Whole Woman’s Health Alliance v. United States Food & Drug Administration*** (W.D. Va. No. 3:23-cv-19) – Chemical abortion case challenging 2023 REMS. Complaint and motion for preliminary injunction filed May 8, 2023.

State Court

- ***Kilo Delta, LLC v. Bristol Women’s Health, PLLC*** (Va. Cir. Ct. No. CL22000747-00) – Landlords allege fraud, concealment, and misrepresentation by abortionists-tenants for use of the property as abortion facilities. Complaint filed Dec. 7, 2022. Demurrer filed Jan. 6, 2023.

Washington

Federal Court of Appeals

- ***State of Washington v. Food & Drug Administration*** (9th Cir. No. 23-35294) – Chemical abortion case challenging 2023 REMS. District court granted in part the motion for a preliminary injunction Apr. 7, 2023. District court denied pro-life States’ motion to intervene Apr. 21, 2023. Proposed intervenors-States appealed. Opening brief due Aug. 7, 2023. Appellees’ brief due Sept. 7, 2023.
- ***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. Status report filed Jan. 5, 2023. Held in abeyance pending HHS rulemaking.

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. Cross-motions for summary judgment filed Mar. 9, 2023, which are briefed.
- ***McCarthy v. Amazon.com, Inc.*** (W.D. Wash. No. 2:23-cv-263) – Assisted suicide case regarding Amazon’s alleged sale of suicide kits to children. Case removed to federal court Oct. 4, 2022. Amazon filed motion to dismiss for lack of jurisdiction Jan 24, 2023. Case transferred to the Western District of Washington Feb. 17, 2023. Motion to dismiss filed Mar. 30, 2023.

West Virginia

Federal District Court

- ***GenBioPro, Inc. v. Sorsaia*** (S.D. W. Va. No. 3:23-cv-58) – Chemical abortion case alleging preemption of state abortion abolition statute. Motions to dismiss filed Feb. 16 & 21 2023, which are in briefing. District court denied motions regarding the standing issue, but held in abeyance remaining issues May 2, 2023. Motion hearing held May 23, 2023.
- ***Women’s Health Center of West Virginia v. Sheth*** (S.D. W. Va. No. 2:23-cv-79) – Health and safety (hospital only rule & admitting privileges) challenge under a rational basis theory. Complaint and motion for a preliminary injunction filed Feb. 1, 2023. District court granted State of West Virginia’s motion to intervene Feb. 21, 2023. Voluntarily dismissed Apr. 17, 2023.

State Court

- ***Morrissey v. Women’s Health Center of West Virginia*** (W. Va. Nos. 22-576) – Abortion case challenging pre-Roe law. Complaint filed June 29, 2022. Court granted temporary injunction July 18, 2022. Appealed to West Virginia Supreme Court. Dismissed as moot Oct. 6, 2022.

Wisconsin

Federal District Court

- ***United States of America v. Roychowdhury*** (W.D. Wis. No. 3:23-cr-31) – Freedom of Access to Clinic Entrances (FACE) Act criminal case alleging firebombing of Madison pregnancy resource center. Complaint filed Mar. 27, 2023.

State Court

- ***Kaul v. Kapenga*** (Wis. Cir. Ct. No. 2022-CV-1594) – Abortion case challenging pre-Roe law. Amended complaint filed Sept. 16, 2022, which added three District Attorney defendants. Trial court dismissed state legislators-defendants Oct. 3, 2022. Trial court granted physicians’ motion to intervene. Ozanne and Chisholm filed answers Nov. 30, 2022. Urmanski filed motions to dismiss the amended complaint and dismiss the intervenors’ complaint Nov. 30, 2022. Oral argument held May 4, 2023.

Wyoming

State Court

- ***Johnson v. State of Wyoming*** (Wyo. Dist. Ct. No. 18732) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Complaint filed

July 25, 2022. Trial court granted preliminary injunction Aug. 10, 2022. Trial court denied Right to Life of Wyoming and pro-life legislators’ motion to intervene. Trial court certified questions of law to the Wyoming Supreme Court Dec. 9, 2022. Wyoming Supreme Court declined to answer certified questions Dec. 20, 2022. Trial court granted stipulated motion to dismiss Apr. 26, 2023.

- ***Johnson v. State of Wyoming*** (Wyo. Dist. Ct. No. 18853) – Abortion case challenging the Life is a Human Right Act, Wyoming’s abortion abolition law. Amended complaint filed Mar. 21, 2023. State legislators filed motion to intervene Apr. 6, 2023. Trial court granted temporary restraining order. Hearing set for June 2, 2023 on motion to intervene. Hearing set for June 22, 2023 on motion for temporary restraining order against enforcement of the chemical abortion abolition law.
- **End-of-Life Litigation Updates**
- Disability rights advocates have challenged California’s assisted suicide law for unlawfully discriminating against persons with disabilities in *United Spinal Association v. State of California*.
- Litigation came to a somber end in *Shavelson v. Bonta* when an appeal was voluntarily dismissed after the sole remaining patient-plaintiff passed away. The case had unsuccessfully urged that federal disability rights laws required expansion of the California End of Life Option Act to include active euthanasia of persons with disabilities.
- Conscience rights advocates had two victories against assisted suicide. In *Christian Medical & Dental Associations v. Bonta*, per the parties’ stipulation, the district court entered final judgment and issued a permanent injunction that prevents California state officials from infringing on assisted suicide conscientious objections. New Mexico amended its assisted suicide law to strengthen conscience protections for medical professionals and organizations that object to assisted suicide, and, accordingly, litigation was voluntarily dismissed in *Lacy v. Torrez*.