

One Year Later: The Landscape of America's Life-Protecting Laws After *Dobbs*

Steven H. Aden, J.D., Chief Legal Officer & General Counsel
Danielle Pimentel, J.D., Policy Counsel
Carolyn McDonnell, J.D., Litigation Counsel

JUNE 2023



Americans
United
for Life





One Year Later: The Landscape of America's Life-Protecting Laws After *Dobbs*

On June 24, 2022, the U.S. 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 the Court concluded.

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 disappointing string of pro-life losses in state citizen-initiated ballot campaigns, assessed below in "A Year at the Ballot Box," 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. The dramatic changes in the landscape for protecting life in state policy are examined state by state in "A Year in the State Houses." The legal landscape of abortion litigation has also drastically changed post-*Dobbs*. In the federal courts, abortionists voluntarily dismissed federal court litigation due to mootness, and now are arguing chemical abortion and administrative law questions. In the state courts, litigants

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).

are battling over the enforceability of pro-life laws that institute early gestational limits or abolish elective induced abortions entirely. There are novel questions of whether state constitutions or religious protections extend to abortion. Below, in “A Year in the Courts,” AUL analyzes the dramatic changes in the federal courts, emerging threats to life in the state courts, and the impact of the lifting of many pre-*Roe* injunctions against state abortion laws.

A Year at the Ballot Box

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, Vermont voters created a state constitutional right to “reproductive freedom” writ broadly, but the Vermont measure contain language so ambiguous that it could mean almost anything. Michigan voters also enacted a state right to reproductive freedom, including abortion. 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. California voters reaffirmed statutory and court-construed constitutional protections for abortion and elective abortion funding. 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, and Kentucky voters rejected a similar amendment. Perhaps the most disappointing result was in Montana, where voters turned down a Born Alive Infant Protection Act measure.

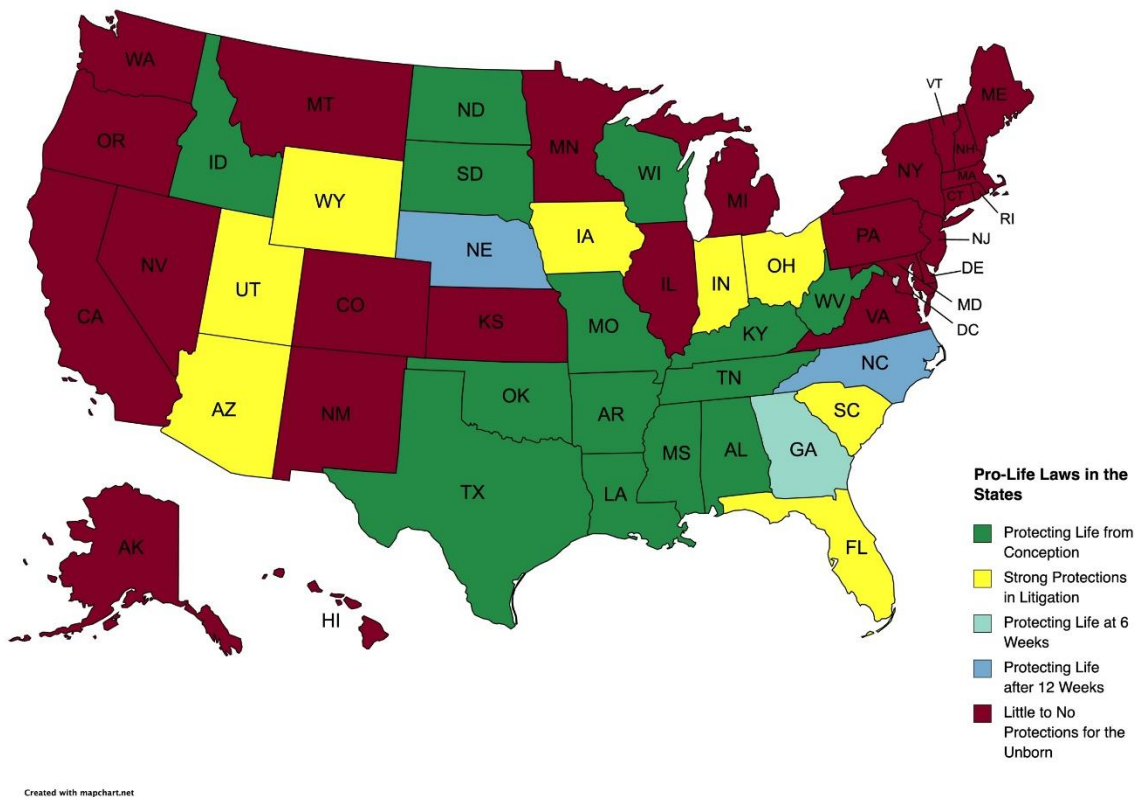
With the possible exception of the result in Michigan, the 2022 ballot initiatives did not change the landscape for abortion law in the United States significantly. By and large, pro-abortion states strengthened anti-life laws and pro-life states strengthened pro-life protections. The key change wrought by *Dobbs* should not be missed, however: in states that passed more incrementally lenient abortion laws, those came in the wake of years of a falling abortion rate, even in those abortion promoting states. On the other hand, the sea change that *Dobbs* enabled in abortion jurisprudence has now permitted over 20 states to protect virtually all life from conception or from the detection of the baby's heartbeat. Although ballot measures in the 2023 elections, including in places such as Missouri, Ohio, South Dakota, and Maryland, may vary the story to some degree, these ballot initiative results thus far, though challenging, only told a small part of the story.

A Year in the State Houses

With the fall of *Roe*, state legislatures have become battlegrounds as some legislators fight to abolish abortion, while others seek to lessen protections for preborn life. 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 weeks), Georgia (6 weeks, pending before the Georgia Supreme Court), Iowa (6 weeks), Ohio (6 weeks), South Carolina (6 weeks, subject to injunction), Nebraska (12 weeks), and North Carolina (12 weeks).

The map below depicts each state's strongest gestational limit on abortion, although some of these state laws are currently blocked due to ongoing litigation. Since last year at this time, *Dobbs* has changed this map considerably, reflecting an increasing number of states that protect women and preborn human lives through legislation and in the courts.



Below, we provide an overview of where each state stands in the fight for life one year after *Dobbs*. The states are arranged from most protective of preborn life (from conception) to least protective of preborn life (no protection throughout pregnancy). Each state's strongest law against abortion that is currently in effect is noted, as well as current litigation that could affect a state's abortion limits. In these cases, litigants may be seeking to change the limitations on abortion or attempting to impose a state constitutional right to abortion. Lastly, the fact sheet includes a section entitled "Additional Provisions," which lists varying laws that range from less protective of preborn life to currently inactive. Post-*Dobbs*, many states have enacted pro-life legislation limiting abortion; however, some state courts have blocked these laws from taking effect through injunctions. As litigation proceeds, these laws may once again take effect if a court lifts the injunction. For the most up to date information

on pro-life legislation and litigation, see AUL's [State Legislation Tracker](#) and [Litigation Quarterly Reports](#). Other helpful post-*Dobbs* resources are AUL's analysis of the *Dobbs* opinion,⁵ *The Attorney General's Playbook for a Post-Roe World*,⁶ and the *Federal Policymakers' Guide to a Post-Roe America*.⁷

States Whose Laws Protect Life from Conception:

A) States where laws protecting life from conception are in effect:

1. Alabama

- State's Strongest Limit Currently in Effect:
 - Abortion banned with exceptions when "necessary in order to prevent a serious health risk to the unborn child's mother" (Ala. Code §§ 26-23H-4).
- Current Litigation: N/A
- Additional Provisions:
 - Pre-*Roe* statute (Ala. Code § 13A-13-7).
 - The state constitution affirms public policy is to protect unborn life (Ala. Const. art. I, § 36.06).

2. Arkansas

- State's Strongest Limit Currently in Effect:
 - Ark. Code § 5-61-304(a)) bans abortion "except to save the life of a pregnant woman in a medical emergency" (Ark. Code § 5-61-304(a)).
- Current Litigation: N/A
- Additional Provisions:
 - Pre-*Roe* statute (Ark. Code Ann. § 5-61-102).
 - The state constitution affirms public policy is to protect unborn life (Ark. Const. amend. 68, § 2).
 - Abortion prohibited with an exception for the mother's life (Ark. Code Ann. § 5-61-404; temporarily enjoined).

3. Idaho

- State's Strongest Limit Currently in Effect:
 - Criminalizes physicians who perform abortions with an exception if the physician, in good faith medical judgement,

⁵ Carolyn McDonnell, *Dobbs v. Jackson Women's Health Organization: The Overturn of Roe v. Wade*, AMS. UNITED FOR LIFE (July 5, 2022), <https://aul.org/wp-content/uploads/2022/07/Dobbs-v.-Jackson-Womens-Health-Organization-The-Overturn-of-Roe-v.-Wade.pdf>.

⁶ Carolyn McDonnell, *The Attorney General's Playbook for a Post-Roe World*, AMS. UNITED FOR LIFE (June 28, 2023), <https://aul.org/wp-content/uploads/2022/06/AG-Playbook-for-a-Post-Roe-World.pdf>.

⁷ Carolyn McDonnell, *Federal Policymakers' Guide to a Post-Roe America*, AMS. UNITED FOR LIFE (Nov.14, 2023), <https://aul.org/wp-content/uploads/2022/11/Federal-Policymakers-Guide-to-a-Post-Roe-America.pdf>.

determines it is necessary to save the mother's life (Idaho Code § 18-622; amendments go into effect 7/1/2023).

▪ Current Litigation:

- *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).
- *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.
- *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.

▪ Additional Provisions:

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

4. Kentucky

▪ State's Strongest Limit Currently in Effect:

- Ky. Rev. Stat. § 311.772 bans abortion except "to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman."

▪ Current Litigation:

- *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.

- *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.
- *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.

- Additional Provisions:

- Heartbeat law (Ky. Rev. Stat. § 311.7705).

5. Louisiana

- State's Strongest Limit Currently in Effect:

- La. Stat. tit. 40 § 1061 bans abortion except "to prevent the death or substantial risk of death due to a physical condition, or to

prevent the serious permanent impairment of a life-sustaining organ of a pregnant woman.”

- Current Litigation:

- *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.

- Additional Provisions:

- Heartbeat law (La. Stat. § 40:1061.1.5).

6. Mississippi

- State’s Strongest Limit Currently in Effect:

- Miss. Code § 41-41-45(2) bans abortions with exceptions for the life of the mother, or in cases of rape or incest that are reported to law enforcement.

- Current Litigation:

- *American Association of Pro-life Obstetricians and Gynecologists v. Mississippi State Board of Medical Licensure* (Miss. Ch. Ct. No. 25CH1:22-cv01371) – Pro-life lawsuit seeking a declaratory judgment that Mississippi’s abortion abolition law is lawful under the state constitution. Complaint filed Nov. 14, 2022.

- Additional Provisions:

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

7. Missouri

- State’s Strongest Limit Currently in Effect:

- Mo. Rev. Stat. § 188.017(2) bans abortion with an exception for the life of the mother.

- Current Litigation:

- *Blackmon v. State of Missouri* (Mo. Cir. Ct. No. 2322-CC00120) – Abortion conditional law case alleging state religious claims. Amended complaint filed Mar. 27, 2023. Motion to dismiss filed Apr. 3, 2023.

- Additional Provisions:

- Missouri law recognizes that human life begins at conception and unborn children have protectable interests in life, health, and well-being. (Mo. Rev. Stat. § 188.026. 2 (1-2)).
- Abortion prohibited at eight weeks gestational age, except in cases of medical emergency (Mo. Rev. Stat. § 188.056; temporarily enjoined).

8. North Dakota

- State’s Strongest Limit Currently in Effect:

- S.B. 2150, 68th Leg. Sess., Reg. Sess. (N.D. 2023) bans abortion except when necessary to save the mother's life or prevent a serious health risk to the mother. Abortion allowed for up to 6 weeks of pregnancy in cases of rape, abuse, or incest.
- Current Litigation:
 - *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.
 - *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 lifesaving and health-preserving circumstances, and the statute is not narrowly tailored to satisfy strict scrutiny.”
- Additional Provisions:
 - Conditional law (N.D. Cent. Code § 12.1-31-12; repealed by S.B. 2150, 68th Leg. Sess., Reg. Sess. (N.D. 2023)).

9. Oklahoma

- State's Strongest Limit Currently in Effect:
 - Pre-*Roe* statute (Okla. Stat. tit. 21 § 861) bans abortion with an exception for the life of the mother. In *Oklahoma Call for Reproductive Justice v. Drummond* (Okla. No. 120543), the state's 2022 abortion abolition law and 1910 pre-*Roe* statute were being challenged, and plaintiffs sought to devise a state constitutional abortion “right.” On March, 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.” Thus, the court found the 2022 abortion abolition law to be unconstitutional, but upheld the 1910 pre-*Roe* law.
- Other Current Litigation:
 - *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. CV2021-2072) – 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.
- *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.
- Additional Provisions:
 - Complete ban with exceptions for life or “to prevent substantial or irreversible physical impairment” (Okla. Stat. tit. 59, § 509; temporarily enjoined).
 - Heartbeat law (Okla. Stat. tit. 63, § 1-731.3; temporarily enjoined).
 - Heartbeat law (Okla. Stat. Tit. 63 § 1-745.34; determined to be unconstitutional by Oklahoma Supreme Court).

10. South Dakota

- State’s Strongest Limit Currently in Effect:
 - Abortion banned unless necessary to “preserve the life of the pregnant female” (S.D. Codified Laws § 22-17-5.1).
- Current Litigation: N/A

- Additional Provisions: N/A

11. Tennessee

- State's Strongest Limit Currently in Effect:
 - Conditional law (Tenn. Code § 39-15-213) bans abortion with exceptions for the life of the mother or to prevent "serious risk of substantial and irreversible impairment of a major bodily function" of the mother.
- Current Litigation: N/A
- Additional Provisions:
 - Abortion prohibited after detection of fetal heartbeat. (Tenn. Code § 39-15-216(c)(1)).
 - There is no right to abortion in the state constitution (Tenn. Const. art. I, § 36).

12. Texas

- State's Strongest Limit Currently in Effect:
 - Tex. Health & Safety Code §§ 170A.001-7 bans abortion with exceptions for "life-threatening physical condition[s] aggravated by, caused by, or arising from a pregnancy that places the female at risk of death or poses a serious risk of substantial impairment of a major bodily function."
- Current Litigation:
 - *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.
 - *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.
 - *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.
- *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.
- *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.
- *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.

▪ Additional Provisions:

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

13. West Virginia

▪ State's Strongest Limit Currently in Effect:

- W. Va. Code § 16-2R-3(a) bans abortion unless the fetus is nonviable, the pregnancy is ectopic, or if a medical emergency exists. In cases of rape or incest, abortions are permitted up to eight weeks gestation if reported to law enforcement, and up until 14 weeks gestation if victim is a minor and reported to law enforcement or got medical treatment for the rape or incest.

▪ Current Litigation:

- *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.

▪ Additional Provisions:

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

14. Wisconsin

- State's Strongest Limit Currently in Effect:
 - Pre-*Roe* law (Wis. Stat. § 940.04) bans abortion except when necessary to save the mother's life as determined by two more physicians.
- Current Litigation:
 - *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.
 - *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.
- Additional Provisions:
 - Wis. Stat. § 253.107(3) prevents abortions after 20 weeks.

B) States where laws protecting life from conception are enjoined:

1. Arizona

- State's Strongest Limit Currently in Effect:
 - Arizona's strongest limit in effect prohibits abortions after 15 weeks (Ariz. Rev. Stat. § 36-2322(B)). Arizona law also bans all abortions with an exception for the life of the mother under its pre-*Roe* statute, Ariz. Rev. Stat. § 13-3603. However, the law is currently unenforceable due to ongoing litigation in *Planned Parenthood Arizona, Inc. v. Mayes* (Ariz. No. CV-23-0005-PR). *Planned Parenthood Arizona, Inc. v. Mayes* is a case challenging the state's pre-*Roe* law, Ariz. Rev. Stat. § 13-3603. Originally, the pre-*Roe* law was enjoined through a permanent injunction. The trial court lifted the permanent injunction on September 22, 2022. The case was appealed to the Court of Appeals, which affirmed the trial court's decision in part, lifting the injunction, and reversed in part, holding that doctors cannot be prosecuted under the pre-*Roe* law if they comply with the state's 15-week abortion limit. This rendered the pre-*Roe* law unenforceable. The case is now before the Arizona Supreme Court on appeal and is in briefing.

- Other Current Litigation:
 - *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.
 - *Isaacson v. State of Arizona* (Ariz. Super. Ct. No. CV2022-013091) – Abortion case requesting a declaratory judgment to reconcile Arizona’s abortion laws. Prolife 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.
- Additional Provisions:
 - N/A

2. Indiana

- State’s Strongest Limit Currently in Effect:
 - Indiana’s strongest limit in effect prohibits abortions after “the earlier of viability . . . or 20 weeks post-fertilization” (Ind. Code § 16-34-2-1(a)(2)). Indiana law also bans all 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 (S.B. 1, 122nd Leg., 1st Spec. Sess. (Ind. 2022)). However, this law is enjoined due to litigation in *Planned Parenthood N.W. Haw., Alaska, Ind., Ky. v. Members of the Med. Licensing Bd. of Ind.*, No. 53C06-2208-PL-001756 (Monroe Cnty. Cir. Ct., Sep. 22, 2022). In the case, abortionists sought to prevent Indiana’s ban on abortion, Senate Bill 1, from being enforced. The Indiana Circuit Court of Monroe County entered a preliminary injunction on September 22, 2022, blocking the law from taking effect.
- Other Current Litigation:
 - *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.

- *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.
- *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.
- *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.
- Additional Provisions:
 - N/A

3. Utah

- State’s Strongest Limit Currently in Effect:
 - Utah Code Ann. § 76-7-302.5 is the state’s strongest limit in effect, which prohibits abortions after 18 weeks. Under Utah Code § 76-7a-201, Utah law also bans all abortions unless necessary to avert death or “a serious physical risk of substantial impairment of a major bodily function of the woman.” The law allows abortions up to 18 weeks in cases of rape, incest, or if the pregnant minor is under the age of 14. However, Utah’s abortion ban is currently enjoined due to ongoing litigation in *Planned Parenthood Association of Utah v. State of Utah* (Utah No. 20220696). *Planned Parenthood*

Association of Utah v. State of Utah is a case challenging Utah's abortion conditional law, Utah Code § 76-7a-201, where abortions seek to devise a state constitutional abortion "right." On July 11, 2022, the trial court granted a preliminary injunction. The case was appealed and is now before Utah Supreme Court.

- Other Current Litigation:

- N/A

- Additional Provisions:

- N/A

4. Wyoming

- State's Strongest Limit Currently in Effect:

- Wyoming's strongest limit in effect prohibits abortion at viability (Wyo. Stat. § 35-6-124). On July 1, 2023, Wyoming's total ban on chemical abortions will take effect (Wyo. Stat. § 35-6-120; effective July 1, 2023). Wyoming law also bans all abortions with exceptions for cases of rape or incest that are reported to law enforcement, or to save the pregnant woman's life, but this law is temporarily enjoined due to ongoing litigation (H.B. 152, 67th Leg., Reg. Sess. (WY 2023) *to be codified at* Wyo. Stat. Ann. § 35-6-102 *et seq.*; temporarily enjoined). In *Johnson v. State of Wyoming* (Wyo. Dist. Ct. No. 18853), Wyoming's abortion abolition law, Life is a Human Right Act (H.B. 152), was challenged. The court entered a temporary restraining order, blocking the enforcement of H.B. 152. On June 22, 2023, the court will have a hearing on a motion for a temporary restraining order against the enforcement of the chemical abortion abolition law.

- Other Current Litigation:

- N/A

- Additional Provisions:

- N/A

States Protecting Life after 6 Weeks:

1. Florida

- State's Strongest Limit Currently in Effect:

- Florida's strongest limit in effect is Fla. Stat. § 390.0111, which prohibits abortions after 15 weeks. Florida law also prohibits abortion after 6 weeks, with exceptions for cases of rape, incest, or human trafficking (S.B. 300, 2023 Leg., Reg. Sess. (Fl. 2023), *to be codified at* Fla. Stat. § 390.0111.). This law will become effective 30 days after the Florida Supreme Court rules on Florida's 15-week gestational limit in *Planned Parenthood of Southwest and Central Florida v. State of Florida*.

- Current Litigation:

- *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.
- *Generation to Generation, Inc. v. State of Florida* (Fla. Cir. Ct. No. 2022-CA980) – 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.
- Additional Provisions:
 - Abortion prohibited after 6 weeks, with exceptions for cases of rape, incest, or human trafficking (S.B. 300, 2023 Leg., Reg. Sess. (Fl. 2023), to be codified at Fla. Stat. § 390.0111.).
 1. This law will become effective 30 days after the Florida Supreme Court rules on Florida's 15-week gestational limit in *Planned Parenthood of Southwest and Central Florida v. State of Florida*.
 - Abortion legal up to 24 weeks with exceptions for life and major bodily harm (Fla. Stat. § 390.01112).
 - The right to abortion is protected by the state constitution (*In re T.W.*, 551 So. 2d 1186 (Fla. 1989)).

2. Georgia

- State's Strongest Limit Currently in Effect:
 - Abortion prohibited once unborn child is determined to "have a detectable human heartbeat." Exceptions provided for in medical emergencies, cases of rape and incest, or "medically futile" pregnancies (Ga. Code § 16-12-141(b)).

- Current Litigation:
 - *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.
 - Additional Provisions: N/A
3. Iowa
- State’s Strongest Limit Currently in Effect:
 - Iowa Code § 146B.2 prohibits abortions after 20 weeks with exceptions for medical emergencies or if the abortion “is necessary to preserve the life of the unborn child.”
 - Current Litigation:
 - *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.
 - Additional Provisions:
 - Abortion prohibited after detection of fetal heartbeat, with exceptions for medical emergencies or if the abortion is “medically necessary” (Iowa Code § 146C.2; permanently enjoined).
 - The Iowa Supreme Court held there is no right to abortion in the state constitution. (*Planned Parenthood of the Heartland, Inc. v. Reynolds ex rel. State*, 975 N.W.2d 710 (Iowa 2022)).
4. Ohio
- State’s Strongest Limit Currently in Effect:
 - Abortions prohibited when “the probable post-fertilization age of the unborn child is twenty weeks or greater” (Ohio Rev. Code § 2919.201(A)).
 - Current Litigation:
 - *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.
 - *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.

- *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 Medical Group Professional 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).
- Additional Provisions:
 - Ohio Rev. Code § 2919.195(A) (temporarily enjoined) prohibits abortion after detection of fetal heartbeat with exceptions for the life of the mother or to prevent “a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.”

5. South Carolina

- State’s Strongest Limit Currently in Effect:
 - Abortion prohibited when “the probable post-fertilization age of the woman’s unborn child is twenty or more weeks, except in the case of

fetal anomaly” or to avert the death or “serious risk of substantial and irreversible physical impairment of a major bodily function” of the pregnant woman (S.C. Code Ann. § 44-41-450(A)).

- Current Litigation:
 - *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. Supreme Court granted petition for a writ of certiorari, vacated the judgment, and remanded the case to the 4th Circuit for further consideration in light of *Health and Hospital Corporation of Marion County, Indiana v. Talevski* (No. 21-806).
 - *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.
- Additional Provisions:
 - Abortion prohibited after detection of fetal heartbeat (S.C. Code § 44-41-630(B); temporarily enjoined with ongoing litigation).
 - Heartbeat law (S.C. Code §§ 44-41-610 *et seq.*; found to be unconstitutional by South Carolina Supreme Court).

States Protecting Life after 12 Weeks:

1. Nebraska

- State’s Strongest Limit Currently in Effect:
 - L.B. 574, 108th Leg., 1st Reg. Sess. (Neb. 2023) prohibits abortion after 12 weeks, with exceptions for medical emergencies, and for cases of rape or incest.
- Current Litigation:
 - *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.
- Additional Provisions:
 - Neb. Rev. Stat. §§ 28-3,106 prohibits abortions after twenty weeks with exceptions for the life of the mother, “to avert serious risk of substantial and irreversible physical impairment of a major bodily function,” or to preserve the life of the unborn child.

2. North Carolina

- State’s Strongest Limit Currently in Effect:

- Abortions prohibited after 12 weeks with exceptions for medical emergencies, in cases of rape or incest, or the unborn child has a “life-limiting anomaly” (N.C. Gen. Stat. § 90-21.81A(a); law goes into effect on 7/1/2023).
- Current Litigation:
 - *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. Intervenor-Defendants answer filed Apr. 28, 2023.
- Additional Provisions:
 - Abortion prohibited after 20 weeks. (N.C. Gen. Stat. § 14-45.1(a); repeal effective on 7/1/2023).

States Protecting Life after 20 Weeks:

1. Montana

- State’s Strongest Limit Currently in Effect:
 - Mont. Code § 50-20-109(1) allows abortion up until viability.
- Current Litigation:
 - *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.

- Additional Provisions:
 - 20-week limitation (Mont. Code §§ 50-20-601 to -603; temporarily enjoined).
 - Montana Supreme Court contrived a right to abortion under the right to privacy in Article II, § 10 of the State’s constitution. (*Armstrong v. State*, 989 P.2d 364 (Mont. Sup. Ct. 1999)).

States Protecting Life after 22 Weeks:

1. Kansas

- State’s Strongest Limit Currently in Effect:
 - Kan. Stat. Ann §§ 65-6723-24, 65-6703 prohibit abortion after 22 weeks and post-viability.
- Current Litigation:
 - *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. Kobach* (Kan. Dist. Ct. No. 2023-cv-03140) – Abortion informed consent (abortion pill reversal disclosure) case. Complaint filed June 6, 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.
- Additional Provisions:
 - The right to abortion is protected by the state constitution (*Hodes & Nauser, MDS, P.A. v. Schmidt*, 440 P.3d 461 (Kan. 2019)).
 - Kansas recognizes that human life begins at fertilization and that “unborn children have interests in life, health and well-being that should be protected (Kan. Stat. Ann. § 65-6732(a)).

States Protecting Life after 24 Weeks:

1. Massachusetts

- State’s Strongest Limit Currently in Effect:

- Abortion is 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:
 - Massachusetts Supreme Court held that the due process protections of the state constitution protect abortion (*Moe v. Sec’y of Admin. & Fin.*, 382 Mass. 629, 645-648 (1981)).

2. Nevada

- State’s Strongest Limit Currently in Effect:
 - Nev. Rev. Stat. § 442.250(1)(b) prohibits abortion after 24 weeks except to preserve the life and health of the mother.
- Current Litigation:
 - *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.
- Additional Provisions: N/A

3. New Hampshire

- State’s Strongest Limit Currently in Effect:
 - 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).
- Current Litigation: N/A
- Additional Provisions: N/A

4. New York

- State’s Strongest Limit Currently in Effect:
 - Abortion is legal up to 24-weeks with exceptions for “absence of fetal viability,” and life or health of the mother (N.Y. Pub. Health Law § 2599-BB(1)).
- Current Litigation:
 - *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.
- *40 Days for Life v. County of Westchester* (S.D. N.Y. No. 7:22-cv-6950) – Sidewalk counselors’ case challenging buffer zone law on free speech, free assembly, due process, and free exercise of religion grounds. Complaint filed Nov. 23, 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.
- Additional Provisions:
 - Statutory protection for abortion (N.Y. Pub. Health Law §§ 2599-AA to 2599-BB).

5. Pennsylvania

- State’s Strongest Limit Currently in Effect:
 - Abortion is legal up to 24 weeks of pregnancy, with exceptions for the life of the mother and the “substantial and irreversible impairment of a major bodily function” of the mother (18 PA. Cons. Stat. § 3211(a)).
- Current Litigation:
 - *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.
- Additional Provisions:
 - Pennsylvania law states that it is the intent of the legislature “to protect the life and health of the child subject to abortion,” and that the legislature “places supreme value upon protecting life” (18 PA. Cons. Stat. § 3202(b)).

States Allowing Abortion Until Viability:

1. California

- State’s Strongest Limit Currently in Effect:
 - Abortion is legal up to viability with exceptions for the mother’s life and health (Cal. Health & Saf. Code § 123468(b)).

- Current Litigation:

- *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.
- *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.
- *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.
- *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.

- Additional Provisions:

- The right to abortion is protected by the state constitution (Cal. Const. art. I § 1.1; *Comm. to Defend Reprod. Rights v. Myers*, 625 P.2d 779 (Cal. 1981)).

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

2. Connecticut

- State's Strongest Limit Currently in Effect:
 - Abortion legal up to viability with exceptions for the mother's life and health (Conn. Gen. Stat. § 19a-602(b)).
- Current Litigation:
 - *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.
- Additional Provisions: N/A

3. Delaware

- State's Strongest Limit Currently in Effect:
 - Abortion is legal up to viability with exceptions for the mother's life and health, and for 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 Currently in Effect:
 - Abortion is legal up to viability with exceptions for the mother's life and health (Haw. Rev. Stat. § 453-16(b)).
- Current Litigation:
 - *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).
- Additional Provisions:
 - Statutory protection for the right to abortion up to viability or for the mother's life and health (Haw. Rev. Stat. § 453-16(c)).

5. Illinois

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

- Additional Provisions:

- Statutory protection for the right to abortion throughout pregnancy (775 Ill. Comp. Stat. 55/1-15).

6. Maine

- State's Strongest Limit Currently in Effect:

- Abortion legal up to viability with exceptions for life and health (Me. Stat. tit. 22 § 1598).

- Current Litigation: N/A

- Additional Provisions: N/A

7. Maryland

- State's Strongest Limit Currently in Effect:

- Abortion is legal up to viability with exceptions for the mother's life and health, and if the fetus has a "genetic defect or serious deformity or abnormality" (Md. Code, Health-Gen. § 20-209(b)).

- Current Litigation:

- *GenBioPro, Inc. v. U.S. Food & Drug Administration* (D. Md. No. 8:23-cv1057) – Drug manufacturer seeking to keep its generic chemical abortion drug on the market. Complaint filed Apr. 19, 2023.

- Additional Provisions: N/A

8. Michigan

- State's Strongest Limit Currently in Effect:

- Mich. Comp. Laws § 750.323 protects against abortions at viability.

- Current Litigation:

- *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.

- Additional Provisions:

- The right to abortion is protected by the state constitution (Mich. Const. Art I § 28(1)).

9. Rhode Island

- State's Strongest Limit Currently in Effect:

- Abortion is legal up to viability, with exceptions for the mother's life and health (23 R.I. Gen. Laws § 23-4.13-2(d)).

- Current Litigation:

- *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.

- Additional Provisions:
 - Statutory protection for abortion up to viability with exceptions for the mother's life and health (R.I. Gen. Laws §§ 23-4.13-1 to -2).

10. Virginia

- State's Strongest Limit Currently in Effect:
 - Abortion is allowed up until the third trimester (Va. Code § 18.2-74).
- Current Litigation:
 - *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.
 - *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.
- Additional Provisions: N/A

11. Washington

- State's Strongest Limit Currently in Effect:
 - Abortion is legal up to viability with exceptions for the mother's life and health (Wash. Rev. Code § 9.02.110).
- Current Litigation:
 - *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 prolife 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) – Conscience rights case regarding HHS conscience protection rule. Status report filed Jan. 5, 2023. Held in abeyance pending HHS rulemaking.
 - *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.

- Additional Provisions:
 - Statutory protection for abortion up to viability with exceptions for the mother's life and health (Wash. Rev. Code §§ 9.02.100 to .110).

States Allowing Abortion Throughout Pregnancy:

1. Alaska

- State's Strongest Limit Currently in Effect:
 - Abortion legal throughout pregnancy (no statutory limitations).
- Current Litigation:
 - *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.
- Additional Provisions:
 - 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)).

2. Colorado

- State's Strongest Limit Currently in Effect:
 - Abortion legal throughout pregnancy (no statutory limitations).
- Current Litigation:
 - *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.
- Additional Provisions:
 - Statutory protection for abortion throughout pregnancy (Colo. Rev. Stat. §§ 25-6-401 to 25-6-406).

3. Minnesota

- State's Strongest Limit Currently in Effect:
 - 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:
 - *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.
 - *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.

- Additional Provisions:
 - Abortion legal throughout pregnancy (*Hodgson v. Lawson*, 542 F.2d 1350 (8th Cir. 1976)).
 - Statutory protections for abortion throughout pregnancy (H.F. 1, 93rd Gen. Assem., Reg. Sess. (Minn. 2023)).

4. New Jersey

- State's Strongest Limit Currently in Effect:
 - Abortion legal throughout pregnancy (no statutory limitations).
- Current Litigation: N/A
- Additional Provisions:
 - The right to abortion is protected by the state constitution (N.J. Const. Art. I, para. 1; *Right to Choose v. Byrne*, 450 A.2d 925 (N.J. 1982)).
 - Statutory protection for abortion throughout pregnancy (N.J. Stat. §§ 10:7-1-10:7-2).

5. New Mexico

- State's Strongest Limit Currently in Effect:
 - Abortion legal throughout pregnancy (no statutory limitations).
- Current Litigation:
 - *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.
- Additional Provisions: N/A

6. Oregon

- State's Strongest Limit Currently in Effect:
 - Abortion legal throughout pregnancy (no statutory limitations).
- Current Litigation: N/A
- Additional Provisions:

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

7. Vermont

- State's Strongest Limit Currently in Effect:
 - Abortion legal throughout pregnancy (no statutory limitations).
- Current Litigation: N/A
- Additional Provisions:
 - Statutory protection for abortion throughout pregnancy (Vt. Stat. Ann. tit. 18, §§ 9493 to 9494).
 - The right to abortion is protected by the state constitution (Vt. Const. ch. I, art. 22)

A Year in the Courts

Federal Court Cases Dismissed Post-Dobbs

Abortion litigation in the federal courts before *Dobbs* alleged violations of *Roe v. Wade*⁸ and *Planned Parenthood of Southeastern Pennsylvania v. Casey*'s⁹ purported constitutional right to abortion. After *Dobbs* overruled these cases and recognized that the Constitution does not extend to abortion, these cases became moot since there was no longer a case or controversy. Moreover, since *Dobbs* held that courts should review abortion litigation under the rational basis standard, which is favorable to pro-life laws, abortionists did not amend their complaints to continue under a rational basis theory. Accordingly, at least 30 federal court cases have been dismissed following *Dobbs*.

Injunctions Lifted Post-Dobbs

Over the past fifty years, courts have blocked pro-life laws under the theory that the laws infringed upon *Roe* and *Casey*'s purported abortion right. Since *Dobbs* overturned these cases, the legal bases for these injunctions are gone. Accordingly, states have asked courts to lift those injunctions. Notably, Texas successfully lifted the injunction against the admitting privileges law that the Supreme Court held unconstitutional in *Whole Woman's Health v. Hellerstedt*.¹⁰ Likewise, Louisiana lifted the injunction against their admitting privileges law that the Supreme Court held unconstitutional in *June Medical Services, LLC v. Russo*.¹¹

State Constitutional Abortion "Rights" and Litigation Standards

Thirteen states have undergone litigation seeking to devise a state constitutional right to abortion. These states are Georgia, Idaho, Indiana, Kentucky, Michigan, Mississippi, New Mexico, North Dakota, Ohio, Oklahoma, South Carolina, Utah, and Wyoming. Michigan's

⁸ 410 U.S. 113 (1973).

⁹ 505 U.S. 833 (1992).

¹⁰ See 136 S. Ct. 2292 (2016).

¹¹ See 140 S. Ct. 2103 (2020).

litigation was dismissed after being mooted by a state constitutional amendment. Mississippi's litigation was dismissed after the abortion clinic closed.

Four states have reached a decision on the constitutional merits: Idaho, North Dakota, Oklahoma, and South Carolina. In *Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho*, the Idaho Supreme Court held “a ‘right to abortion’ has no support in Idaho’s deeply rooted traditions or history at the time Article I, sections 1, 17, and 21 were framed and adopted. Thus, we cannot conclude the Idaho Constitution, as written and intended, implicitly guarantees a fundamental right to abortion.”

The North Dakota Supreme Court determined, “[a]fter review of North Dakota’s history and traditions, and the plain language of article I, section 1 of the North Dakota Constitution, it is clear the citizens of North Dakota have a right to enjoy and defend life and a right to pursue and obtain safety, which necessarily includes a pregnant woman has a fundamental right to obtain an abortion to preserve her life or her health” in *Wrigley v. Romanick*.

In *Oklahoma Call for Reproductive Justice v. Drummond*, Oklahoma Supreme Court found “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 acts modeled after Texas S.B. 8 in *Oklahoma Call for Reproductive Justice v. State of Oklahoma*, finding the laws violated *Drummond’s* right to terminate a pregnancy to preserve a mother’s life.

The South Carolina Supreme Court held in *Planned Parenthood South Atlantic v. State of South Carolina* “that the decision to terminate a pregnancy rests upon the utmost personal and private considerations imaginable, and implicates a woman’s right to privacy. While this right is not absolute, and must be balanced against the State’s interest in protecting unborn life, this Act, which severely limits—and in many instances completely forecloses—abortion, is an unreasonable restriction upon a woman’s right to privacy and is therefore unconstitutional.”

The Kentucky Supreme Court had an opportunity to decide the constitutional question, but instead affirmed and remanded the case on third-party standing grounds in *EMW Women’s Surgical Center, P.S.C. v. Cameron*.

State officials have challenged existing state constitutional abortion rights in Florida in *Planned Parenthood of Southwest and Central Florida v. State of Florida* and Montana in *Planned Parenthood of Montana v. Montana*.

One week before *Dobbs*, the Iowa Supreme Court overruled its decision that had manufactured a state constitutional right to abortion in *Planned Parenthood of the Heartland*,

Inc. v. Reynolds.¹² The Iowa Supreme Court just deadlocked 3-3 over what litigation standard (i.e., undue burden or rational basis) to apply to abortion cases in the identically named *Planned Parenthood of the Heartland, Inc. v. Reynolds*. By operation of law, the court affirmed, but as it described “[t]his means the undue burden test remains the governing standard, the fetal heartbeat bill remains enjoined, and nothing stated in either our opinion or the opinions that follow is the law. None has precedential value.”

Conditional Laws

Thirteen states prepared conditional laws in anticipation of the Supreme Court overruling *Roe v. Wade*.¹³ These states are Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming. Of these states, nine have defended their conditional laws in court: Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, Utah, and Wyoming. The Mississippi lawsuit was dismissed after the clinic closed. The Wyoming lawsuit was dismissed after the state enacted an abortion abolition law in 2023 (which was challenged in separate litigation).

Three state supreme courts have considered these conditional laws. In *Wrigley v. Romanick*, the North Dakota Supreme Court held the plaintiffs “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.” Oklahoma’s conditional law reactivated the 1910 pre-*Roe* law, which the Oklahoma Supreme Court upheld in *Oklahoma Call for Reproductive Justice v. Drummond* as consistent with the state constitutional right to abortions necessary to preserve the mother’s life. As mentioned above, the Kentucky Supreme Court affirmed and remanded the conditional law case on third-party standing grounds and did not discuss the merits of the law in *EMW Women’s Surgical Center, P.S.C. v. Cameron*.

Pre-Roe Laws

Six states have defended their pre-*Roe* laws in court: Arizona, Michigan, Oklahoma, Texas, West Virginia, and Wisconsin. The Michigan litigation was dismissed as moot after the state amended its constitution to create an abortion right. The West Virginia case was dismissed as moot with the enactment of a post-*Dobbs* abortion abolition law. The plaintiffs in the Texas case voluntarily nonsuited their lawsuit.

¹² Carolyn McDonnell, *Iowa Supreme Court: Abortion Isn’t a “Fundamental Right”*, AMS. UNITED FOR LIFE (June 17, 2023), <https://aul.org/2022/06/17/iowa-rules-no-fundamental-right-to-abortion/>.

¹³ Michael D. Potter, *Which States Are Ready for a Post-Roe Paradigm?*, AMS. UNITED FOR LIFE (June 24, 2022), <https://aul.org/2022/06/24/which-states-are-ready-for-a-post-roe-paradigm/>.

The Oklahoma Supreme Court upheld the 1910 pre-*Roe* law in *Oklahoma Call for Reproductive Justice v. Drummond*, finding it was consistent with the state constitutional right to abortion necessary to preserve a mother's life.

Chemical Abortion Litigation

AUL's litigation report currently is tracking 23 chemical abortion cases. Litigants filed 12 of these lawsuits following *Dobbs*. The most notable case is *Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration*, which has challenged the FDA's approval and deregulation of chemical abortion drugs.

Some lawsuits, such as *Bryant v. Stein* and *GenBioPro, Inc. v. Sorsaia*, have alleged the FDA's regulation of chemical abortion drugs preempt state pro-life laws that regulate or abolish these drugs. Following *Dobbs*, GenBioPro had voluntarily dismissed a separate lawsuit which had alleged a preemption theory, *GenBioPro, Inc. v. Dobbs*. GenBioPro, the generic chemical abortion drug manufacturer, also has sued to keep its drug on the market in *GenBioPro, Inc. v. U.S. Food & Drug Administration*.

A coalition of pro-abortion states has challenged the 2023 REMS in *State of Washington v. Food & Drug Administration*. After filing an amended complaint, litigants in *Chelius v. Becerra* also have sought to remove chemical abortion REMS. A similar challenge to remove the REMS is ongoing in *Whole Woman's Health Alliance v. U.S. Food & Drug Administration*.

In *Bella Health and Wellness v. Weiser*, a pro-life lawsuit has challenged Colorado's law that prohibits abortion pill reversals. There is an ongoing FOIA lawsuit that seeks to obtain records regarding chemical abortion drug stability and dissolution test results, and well as manufacturing compliance with chemical drug regulations in *Judicial Watch, Inc. v. U.S. Department of Health and Human Services*.

Religious Liberty Litigation

There are at least nine ongoing pro-abortion cases that allege various religious causes of action against pro-life laws. Plaintiffs filed eight of these cases following *Dobbs*. The claims mainly arise under state law, alleging constitutional theories such as free exercise or establishment, as well as state versions of the Religious Freedom Restoration Act (RFRA). As a note, many of the early abortion funding cases alleged religious claims, especially for purported infringement upon the Establishment Clause. *Harris v. McRae*, for example, held the Hyde Amendment didn't violate the Establishment Clause and the plaintiffs didn't have standing to raise a Free Exercise Clause claim.¹⁴ A potential area of research would be to

¹⁴ 448 U.S. 297 (1980).

compare how the courts decided the religious issues in these early abortion funding restrictions cases to the present post-*Dobbs* religious liberty litigation.

Pregnancy Resource Center and Sidewalk Counseling Litigation

Following *Politico*'s leak of the *Dobbs* opinion in May 2022, there were more than 100 attacks on pregnancy resource centers, churches, and other pro-life entities.¹⁵ Following these attacks, there have been a few Freedom of Access to Clinic Entrances (FACE) Act cases filed, such as *United States of America v. Roychowdhury*, which alleges the defendant firebombed a Madison, Wisconsin pregnancy resource center, and three FACE Act lawsuits in Florida, charging members of Jane's Revenge for allegedly vandalizing pregnancy resource centers. The Department of Justice also keeps a running list of its FACE Act cases, but it doesn't differentiate between cases involving abortion clinics and pregnancy resource centers.¹⁶

There are notable legal issues in *United States of America v. Handy*, which is a FACE Act criminal case against pro-life advocates. One defendant filed a 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. After the filing of this motion to dismiss, the court *sua sponte* asked for briefing on whether any other constitutional provision confers a right to abortion. A separate defendant has moved to dismiss the case, arguing the FACE Act is unconstitutional because it does not recognize the personhood of unborn children.

Besides FACE Act cases, there are a few ongoing sidewalk counseling cases challenging buffer zone laws, such as *40 Days for Life v. County of Westchester* and *Pro-Life Action Ministries v. City of Minneapolis*. After Colorado enacted a law that prohibits abortion pill reversals, a pregnancy resource center also filed a lawsuit to challenge this law in *Bella Health and Wellness v. Weiser*.

Other Case Theories

Besides the case theories listed above, such as religious liberty or state constitutional abortion rights, there have been other notable legal theories promulgated in post-*Dobbs* litigation. Two lawsuits, *The Satanic Temple v. Little* and *The Satanic Temple v. Holcomb*, have alleged pro-life laws violate the Takings, Involuntary Servitude, and Equal Protection Clauses. In *Bakersfield Crisis Pregnancy Center v. California Department of Managed Health*

¹⁵ Jonah McKeown, *Tracker: Pro-Abortion Attacks in the U.S. Continue (Updated)*, CATHOLICS NEWS AGENCY (updated Mar. 20, 2023), <https://www.catholicnewsagency.com/news/251553/map-vandalism-attacks-continue-at-pro-life-centers-across-us>.

¹⁶ Civil Rights Division, *Recent Cases on Violence Against Reproductive Health Care Providers*, U.S. DEP'T OF JUST. (May 30, 2023), <https://www.justice.gov/crt/recent-cases-violence-against-reproductive-health-care-providers>.

Care, a pregnancy resource center has challenged California’s Abortion Accessibility Act for funding abortion but not childbirth, alleging violations of state constitutional rights to privacy and equal protection.

Texas is defending against a pro-abortion challenge to the exceptions of its abortion abolition laws in *Zurawski v. State of Texas*. West Virginia had been facing a lawsuit against its abortion health and safety laws under a rational basis theory, but the abortionists voluntarily dismissed after the plaintiffs-doctors discontinued providing abortions in *Women’s Health Center of West Virginia v. Sheth*. In *Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. Labrador*, abortionists have challenged the Idaho Attorney General’s guidance that Idaho law prohibits Idaho medical professionals from referring for abortion across state lines.

There are lawsuits over recent federal administrative actions. *United States of America v. State of Idaho* and *State of Texas v. Becerra* implicate the Emergency Medical Treatment and Labor Act (EMTALA) abortion mandate. There is a pro-life challenge to the Veterans Affairs interim final rule that permits abortions at VA clinics in *Carter v. McDonough*.

Conclusion

Abortion litigation has changed post-*Dobbs*. Federal court abortion litigation now revolves around chemical abortion and administrative law issues. States are grappling with the enforceability of pro-life laws that limit elective induced abortion at early gestational ages or abolish it entirely. There are new legal theories alleging state constitutional rights to abortion and religious liberty infringements.

One of the emerging challenges is how courts grapple with abortion “exceptions,” including abortions necessary to preserve the life or health of the mother. The Oklahoma Supreme Court ruled a woman has a fundamental right to obtain an abortion necessary to preserve her life. The North Dakota Supreme Court held there is a fundamental right to abortions necessary for the life or health of a woman. Although the Idaho Supreme Court held there is no fundamental right to abortion, a dissenting justice would have found a right to abortions necessary for a woman’s life or health. Going forward, States must ensure that medical exceptions don’t morph into the all-encompassing *Doe v. Bolton* health definition, which applies to virtually any situation.¹⁷

Overall, the pro-life movement has had great accomplishments in the past year. The Supreme Court overturned *Roe* and *Casey*, and abortionists voluntarily dismissed at least 30

¹⁷ See 410 U.S. 179, 192 (1973) (“the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman’s age—relevant to the wellbeing of the patient”).

federal court abortion lawsuits. Courts have lifted injunctions against pro-life laws, including the admitting privileges laws in Texas and Louisiana. Just before *Dobbs*, the Iowa Supreme Court ruled there is no state constitutional right to abortion, and the Idaho Supreme Court similarly held there is no such right in its state constitution. Instead of finding a right to an elective induced abortion, the Oklahoma Supreme Court limited its holding to abortions necessary to preserve the mother's life, and the North Dakota Supreme Court only found a right to abortions for the mother's life or health. Pro-life doctors and medical organizations have courageously challenged the FDA's unlawful approval and deregulation of chemical abortion drugs. Federal policy is pro-life, and there is no lawful basis for protecting abortion within federal administrative rules. In this post-*Roe* world, States have vigorously defended their pro-life laws, and must continue to do so to protect mothers, families, and unborn children from abortion violence.

Case Appendix

Federal Court Cases Dismissed Post-Dobbs

- ***Reproductive Health Services v. Bailey*** (M.D. Ala. No. 2:14-cv-1014) – 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.
- ***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.
- ***Little Rock Family Planning Services v. Jegley*** (E.D. Ark. 4:21-cv-453) – 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. Voluntarily dismissed July 13, 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.
- ***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. Voluntarily dismissed Aug. 1, 2022.
- ***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.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky, Inc. v. Marion County Prosecutor*** (S.D. Ind. No. 1:18-cv-1219) – Abortion reporting case. Per parties’ joint stipulation, the district court dismissed the case without prejudice and denied plaintiff’s pending motion for a preliminary injunction as moot Aug. 29, 2022.
- ***EMW Women’s Surgical Center, P.S.C. v. Friedlander*** (W.D. Ky. No. 3:18-cv-224) – Abortion gestational limits (dismemberment) case. Sixth Circuit affirmed permanent injunction. SCOTUS granted cert. and held the Sixth Circuit erred in denying the Kentucky Attorney General’s motion to intervene on the commonwealth’s behalf in litigation. 6th Circuit granted the Attorney’s General’s petition for panel rehearing and vacated and remanded the case to district court to reconsider the permanent injunction in light of *Dobbs* July 21, 2022. District court granted parties’ joint motion to vacate the permanent injunction and dismiss the case with prejudice Aug. 17, 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. Proceedings partially stayed pending *Dobbs*. District court granted State’s motion to dissolve temporary restraining orders, and abortionists’ voluntary motion to dismiss June 30, 2022.
- ***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.

- ***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. District court dismissed without prejudice Aug. 3, 2022.
- ***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 South Atlantic v. Wilson*** (4th Cir. No. 21-1369) – Abortion gestational limits (heartbeat) case. District court issued preliminary injunction. 4th Circuit issued amended opinion affirming district court. State filed petition for rehearing en banc Mar. 8, 2022. State filed motion to vacate preliminary injunction in 4th Circuit June 24, 2022. Abortionists filed voluntary motion to dismiss in district court June 24, 2022 (D. S.C. No. 3:21-cv-508). District court granted motion to stay preliminary injunction. State filed motion for summary judgment in district court June 27, 2022. 4th Circuit vacated and remanded July 21, 2022. District court vacated the preliminary injunction and granted the motion to dismiss without prejudice July 22, 2022.
- ***Memphis Center for Reproductive Health v. Slatery*** (M.D. Tenn. No. 3:20-cv-501) – Abortion gestational limits (heartbeat, cascading bans) and prenatal nondiscrimination (sex, race, Down syndrome) case. 6th Circuit panel affirmed preliminary injunction. State's petition for rehearing en banc granted with the briefing schedule to be set at a later time. Granted State's motion for partial stay of injunction [prenatal non-discrimination] pending appeal Feb. 2, 2022. Abortionists filed opposed, voluntary motion to dismiss in district court June 27, 2022. 6th Circuit vacated and remanded for further proceedings in light of *Dobbs* July 6, 2022. Case dismissed without prejudice July 28, 2022.
- ***United States of America v. Texas*** (5th Cir. No. 21-50949) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Preliminary injunction was dissolved upon the DOJ's District court granted preliminary injunction. 5th Circuit granted Texas's motion to stay preliminary injunction pending appeal. SCOTUS dismissed writ of cert. as improvidently granted. 5th Circuit ordered the State's motion for voluntary remand or abeyance is to be carried with the case Jan. 21, 2022. Stipulation of dismissal and DOJ's notice of voluntary dismissal against remaining Defendants filed Aug. 26, 2022. District court closed the case Aug. 29, 2022.

- ***Whole Woman's Health Alliance v. Paxton*** (W.D. Tex. No. 1:18-cv-500) – Omnibus abortion case regarding licensing, chemical abortion, informed consent, parental involvement, criminal penalties, and Medicaid funding. Motions to dismiss filed Aug 27 & Oct. 10, 2018. Stay pending *June Medical Services*. Stay lifted July 23, 2020. Currently awaiting decision on motions to dismiss. Abortionists filed a notice of voluntary dismissal. District court closed the case July 22, 2022.
- ***Whole Woman's Health v. Young*** (W.D. Tex. No. 1:16-cv-1300) – Fetal remains case. District court issued permanent injunction. 5th Circuit oral argument held Sept. 5, 2019. Vacated and remanded for further proceedings consistent with *Dobbs* June 28, 2022. District court dismissed case without prejudice Aug. 23, 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.
- ***Planned Parenthood of Wisconsin v. Kaul*** (W.D. Wis. No. 3:19-cv-38) – Chemical abortion case regarding physician-only, same-physician, and telemedicine provisions. Bench trial held Dec. 7-10, 2020. Plaintiffs filed letter notifying the court of FDA changes in mifepristone REMS Mar. 31, 2022. Granted abortionists' motion to stay so that plaintiffs may assess the *Dobbs* decision but must file a status report on or before July 25, 2022. Parties jointly stipulated to case's dismissal without prejudice. District court closed case Aug. 4, 2022.
- ***Whole Woman's Health Alliance v. Rokita*** (S.D. Ind. No. 1:18-cv-1904) – Omnibus abortion case regarding chemical abortion, hospital-only, telemedicine, facility health and safety, and informed consent provisions. District court permanently enjoined certain provisions. 7th Circuit vacated and remanded July 11, 2022. Parties settled, and the district court dismissed without prejudice Oct. 21, 2022.
- ***Planned Parenthood Gulf Coast v. Phillips*** (M.D. La. No. 3:18-cv-176) – Abortion health and safety (clinic licensing) case. District court approved abortionists' notice of voluntary dismissal Nov. 14, 2022.
- ***Planned Parenthood Gulf Coast v. Phillips*** (M.D. La. No. 3:15-cv-565) – Abortion funding (Medicaid) case. District court vacated preliminary injunction and entered abortionists' voluntary dismissal Nov. 10, 2022.
- ***GenBioPro, Inc. v. Dobbs*** (S.D. Miss. No. 3:20-cv-652) – Chemical abortion case regarding a generic Mifepristone manufacturer alleging preemption and Commerce Clause violations. Hearing on motion to dismiss for lack of jurisdiction June 8, 2022. State filed response to court's inquiry regarding *Dobbs*' effect June 30, 2022. GenBioPro filed notice of voluntary dismissal Aug. 18, 2022.
- ***Jackson Women's Health Organization v. Dobbs*** (S.D. Miss. No. 3:18-cv-171) – Abortion omnibus challenge regarding gestational limits, informed consent, and health and safety provisions. Supreme Court overturned *Roe v. Wade*, upheld Mississippi's Gestational Age Act, and returned the abortion issue to the democratic process June 24, 2022. District court entered judgment for the State on the 15-week and 6-week gestational limits and dismissed the remaining challenges as moot Sept. 21, 2022.
- ***Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem*** (D.S.D. No. 4:11-cv-4071) – Abortion informed consent case. Granted preliminary injunction

June 30, 2011. Partially dissolved preliminary injunction June 11, 2013. 6th amended complaint filed July 1, 2021. Denied State's motion to dissolve what remains of preliminary injunction Aug. 20, 2021. State appealed. 8th Circuit denied motions for initial hearing en banc. 8th Circuit dismissed the appeal and vacated the preliminary injunction Oct. 6, 2022. District court dismissed the case per parties' joint motion to dismiss Oct. 21, 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. 8th Circuit granted abortionists' motion to voluntarily dismiss the appeal as moot and vacated the preliminary injunction July 21, 2022.
- ***Planned Parenthood of Tennessee and Northern Mississippi v. Slatery*** (M.D. Tenn. No. 3:20-cv-00740) – Chemical abortion (pill reversal) case. Preliminary injunction granted Feb. 26, 2021. Stayed pending *Dobbs*. Abortionists filed a joint motion to reopen the case and lift stay Aug. 23, 2022. Per parties' stipulation of dismissal, the district court dismissed the case Sept. 22, 2022.
- ***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.
- ***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.

Injunctions Lifted Post-Dobbs

- ***June Medical Services v. Phillips*** (M.D. La. No. 3:14-cv-525) – Abortion health and safety (admitting privileges) case. District Court granted the State's renewed emergency rule 60(b) motion to vacate the permanent injunction Nov. 14, 2022.
- ***Whole Woman's Health v. Young*** (W.D. Tex. No. 1:14-CV-284) – Abortion health and safety (admitting privileges) case. District court granted State's Rule 60(b) motion to vacate permanent injunction Feb. 16, 2023.

State Constitutional Abortion "Rights" and Litigation Standards

- ***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.

- ***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.
- ***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.
- ***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.
- ***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. Iowa Supreme Court affirmed by operation of law June 16, 2023.
- ***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.
- ***In re Executive Message of the Governor Requesting the Authorization of a Certified Question*** (Mich. No. 164256) – Governor Whitmer asking for authorization for the trial court in *Whitmer v. Linderman* to certify three constitutional questions to the state supreme court. Filed Apr. 7, 2022. Right to Life of Michigan filed motion to intervene Apr. 21, 2022. Court directed further briefing May 20, 2022. Governor filed motion to authorize certification of the questions in the Governor’s executive message and set an expedited briefing schedule June 23, 2022. Case closed because underlying lawsuit was dismissed Jan. 20, 2023.
- ***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.

- ***Planned Parenthood of Michigan v. Attorney General of the State of Michigan*** (Mich. Ct. App. No. 363125) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” Granted state legislators’ motion to intervene June 15, 2022. 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. Appealed to court of appeals. Right to Life of Michigan filed motion to intervene Sept. 25, 2022. Stipulation to dismiss filed. Court closed case Jan. 31, 2023.
- ***Whitmer v. Linderman*** (Mich. Cir. Ct. No. 2022-193498-CZ) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” Complaint filed Apr. 7, 2022. Michigan Right to Life filed a motion to intervene May 4, 2022. Motion for summary disposition filed May 6, 2022. Trial set for Feb. 23, 2023. Trial court issued preliminary injunction Aug. 19, 2022. Dismissed per stipulation Jan. 6, 2023.
- ***Jackson Women’s Health Organization v. Dobbs*** (Miss. Ch. Ct. No. 25CH1:22-cv-00739) – Abortion conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 27, 2022. Chancery court denied abortionists’ motion for a preliminary injunction and held that *Pro-Choice Mississippi v. Fordice*, 716 So. 2d 645 (Miss. 1998), is no longer good law July 5, 2022. Abortionists filed notice of voluntary dismissal July 19, 2022.
- ***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. Jury trial set for Sept. 11, 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.
- ***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.”
- ***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.

- ***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.
- ***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.
- ***Planned Parenthood South Atlantic v. State of South Carolina*** (S.C. No. 2022-1062) – Abortion gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.” South Carolina Supreme Court devised a right to abortion under the state constitution’s privacy clause and held unconstitutional South Carolina’s heartbeat law Jan. 5, 2023. South Carolina Supreme Court denied State’s petition for rehearing.
 - ***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.
 - ***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, which also seeks to devise a state constitutional abortion “right.” 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.

Conditional Laws

- ***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.
- ***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.
- ***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.
- ***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.
- ***Jackson Women’s Health Organization v. Dobbs*** (Miss. Ch. Ct. No. 25CH1:22-cv-00739) – Abortion conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 27, 2022. Chancery court denied abortionists’ motion for a preliminary injunction and held that *Pro-Choice Mississippi v. Fordice*, 716 So. 2d 645 (Miss. 1998), is no longer good law July 5, 2022. Abortionists filed notice of voluntary dismissal July 19, 2022.
- ***Blackmon v. State of Missouri*** (Mo. Cir. Ct. No. 2322-CC00120) – Abortion conditional law case alleging state religious claims. Amended complaint filed Mar. 27, 2023. Motion to dismiss filed Apr. 3, 2023.

- ***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.”
- ***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.
- ***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.
- ***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.

Pre-Roe Laws

- ***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.
- ***In re Executive Message of the Governor Requesting the Authorization of a Certified Question*** (Mich. No. 164256) – Governor Whitmer asking for authorization for the trial court in *Whitmer v. Linderman* to certify three constitutional questions to the state supreme court. Filed Apr. 7, 2022. Right to Life of Michigan filed motion to intervene Apr. 21, 2022. Court directed further briefing May 20, 2022. Governor filed motion to authorize certification of the questions in

the Governor's executive message and set an expedited briefing schedule June 23, 2022. Case closed because underlying lawsuit was dismissed Jan. 20, 2023.

- ***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.
- ***Planned Parenthood of Michigan v. Attorney General of the State of Michigan*** (Mich. Ct. App. No. 363125) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” Granted state legislators’ motion to intervene June 15, 2022. 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. Appealed to court of appeals. Right to Life of Michigan filed motion to intervene Sept. 25, 2022. Currently in briefing. Stipulation to dismiss filed. Court closed case Jan. 31, 2023.
- ***Whitmer v. Linderman*** (Mich. Cir. Ct. No. 2022-193498-CZ) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” Complaint filed Apr. 7, 2022. Michigan Right to Life filed a motion to intervene May 4, 2022. Motion for summary disposition filed May 6, 2022. Trial set for Feb. 23, 2023. Trial court issued preliminary injunction Aug. 19, 2022. Dismissed per stipulation Jan. 6, 2023.
- ***Oklahoma Call for Reproductive Justice v. Drummond*** (Okla. No. 120543) – Abortion gestational limits case challenging 2022 conditional 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.
- ***In re Ken Paxton*** (Tex. No. 22-0527) – Abortion case challenging pre-*Roe* law. Complaint filed June 27, 2022. Trial court issued temporary restraining order June 28, 2022. State filed writ of mandamus in state intermediate court and state supreme court. Texas Supreme Court stayed temporary restraining order July 1, 2022 but allowed proceedings to continue in trial court and court of appeals. Trial court extended temporary restraining order July 11, 2022 (Tex. Dist. Ct. No. 2022-38397). Texas Court of Appeals denied petition for writ of mandamus July 12, 2022 (Tex. Ct. App. No. 01-22-00480-CV). Parties briefed the petition for a writ of mandamus to Texas Supreme Court and are awaiting a ruling. Trial court issued order of non-suit Oct. 10, 2022 (Tex. Dist. Ct. No. 2022-38397).
- ***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.

- ***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.

Chemical Abortion Litigation

- ***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.
- ***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.
- ***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.
- ***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.
- ***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).
- ***Hodes & Nauser v. Kobach*** (Kan. Dist. Ct. No. 2023-cv-03140) – Abortion informed consent (abortion pill reversal disclosure) case. Complaint filed June 6, 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.

- **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.
- **GenBioPro, Inc. v. Dobbs** (S.D. Miss. No. 3:20-cv-652) – Chemical abortion case regarding a generic Mifepristone manufacturer alleging preemption and Commerce Clause violations. Hearing on motion to dismiss for lack of jurisdiction June 8, 2022. State filed response to court's inquiry regarding *Dobbs'* effect June 30, 2022. GenBioPro filed notice of voluntary dismissal Aug. 18, 2022.
- **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).
- **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.
- **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. Intervenor-Defendants answer filed Apr. 28, 2023.
- **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.
- **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).
- **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.

- ***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.
- ***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.
- ***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.
- ***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 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.
- ***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.
- ***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, which also seeks to devise a state constitutional abortion "right." 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.

Religious Liberty Litigation

- ***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.
- ***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.
- ***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.
- ***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.
- ***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.
- ***Blackmon v. State of Missouri*** (Mo. Cir. Ct. No. 2322-CC00120) – Abortion conditional law case alleging state religious claims. Amended complaint filed Mar. 27, 2023. Motion to dismiss filed Apr. 3, 2023.
- ***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.

Pregnancy Resource Center and Sidewalk Counseling Litigation

- ***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.

- ***Pregnancy Support Ctr., Inc. v. Tong*** (D. Conn. No. 3:21-cv-1346) – Free speech case regarding anti-pregnancy center law. District court granted the parties’ joint stipulation of dismissal Jan. 12, 2023.
- ***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.
- ***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.
- ***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.
- ***40 Days for Life v. County of Westchester*** (S.D. N.Y. No. 7:22-cv-6950) – Sidewalk counselors’ case challenging buffer zone law on free speech, free assembly, due process, and free exercise of religion grounds. Complaint filed Nov. 23, 2022.
- ***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.
- ***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.

- ***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.
- ***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.
- ***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.
- ***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.

Other Case Theories

- ***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.
- ***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).
- ***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.
- ***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 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.
- ***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.
- ***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.
- ***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.