THE WAR ON PREGNANCY CENTERS

Christian Legal Society 2026

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ATTACK STRATEGIES

I. Legislative Attacks Against Pregnancy Centers

A. Consumer Protection Statutes

Attempt to include reproductive information as a consumer transaction *See*, §59.1-198, et seq. Va Code

B. Scrutiny of representations on web sites and centers

Complaints to AG in Fla. re use of "HIPAA Compliant" language

"Watchdog Organization Calls for Investigations of Crisis Pregnancy Centers over Potential Privacy Violations" *See*, https://www.hipaajournal.com/watchdog-organization-potential-privacy-violations-cpcs/

C. Advertising and/or prescribing Abortion Pill Reversal (APR)

See, § 6-1-734 Colo. Rev. Stat. Ann.

D. HIPAA applications and representations

Pregnancy Centers are generally not a "covered entity" as defined in 45 CFR 160.103.

E. Employment discrimination provisions

N.Y. Lab. Law § 203-e(6)

F. Subpoenas and investigations

First Choice Women's Res. Centers, Inc. v. Platkin, 145 S. Ct. 2793, 222 L. Ed. 2d 1085 (2025)

Obria Grp., Inc. v. Ferguson, No. 3:23-CV-06093-TMC, 2025 WL 27691, (W.D. Wash. Jan. 3, 2025)

G. Medical staff licenses

Standard of practice regarding APR, *See*, § 12-30-120 Colo. Rev. Stat.

H. Informed consent re abortion

See, Illinois Health Care Right of Conscience Act (HCRCA), as amended by P.A. 99-690 (effective Jan. 1, 2017)

I. Registration of pregnancy centers and/or medical staff

"Maintaining Integrity, Accessibility, and Transparency in Reproductive Care," claiming 'DPH jurisdiction over anti-abortion centers' *See*, https://www.mass.gov/news/maintaining-integrity-accessibility-and-transparency-in-reproductive-care

II. Public Relations Attacks Against Pregnancy Centers

A. Fake Clinics Trope

NARAL Plans are online, *i.e.*, "Pregnancy Centers Lie: The Insidious Threat to Reproductive Freedom" *See*, https://reproductivefreedomforall.org/wp-content/uploads/2017/04/cpc-report-2015.pdf

"Crisis Pregnancy Centers: Faith Centers Operating in Bad Faith" *See*, https://pmc.ncbi.nlm.nih.gov/articles/PMC6318184/

B. Investigations – periodicals and state officials

C. Law review articles

D. Grass Roots Campaigns

CASES

III. NIFLA AS A PARTY

A. California

1. Style

NIFLA v. Becerra, 138 S.Ct. 2361 (2018)

2. Summary

The State of California mandated the posting of a phone number advising free abortions in all pregnancy-related clinics. The measure was challenged by NIFLA on behalf of its California members. The Supreme Court found that the measure unduly burdened the clinics' protected speech.

3. Facts

"The California Reproductive Freedom, Accountability, Comprehensive Care, and Transparency Act (FACT Act) requires clinics that primarily serve pregnant women to provide certain notices. Cal. Health & Safety Code Ann. § 123470 *et seq.* (West 2018). Licensed clinics must notify women that California provides free or low-cost services, including abortions, and give them a phone number to call. Unlicensed clinics must notify women that California has not licensed the clinics to provide medical services. The question in this case is whether these notice requirements violate the First Amendment." *NIFLA* at 760.

4. Significance

"The licensed notice is a content-based regulation of speech. By compelling individuals to speak a particular message, such notices 'alte[r] the content of [their] speech.' " *NIFLA* at 766. Cited over 200 times since 2018

B. California

1. Style

NIFLA v. Bonta, 769 F. Supp. 3d 1109 (C.D. Cal. Mar 6, 2025); Case No. 25-2287, United States Court of Appeals for the Ninth Circuit

2. Summary

NIFLA brought a petition for injunction to halt the enforcement efforts of the California AG regarding abortion pill reversal treatment (APR). The trial court denied the petition,

making the issue on appeal whether advertising and prescribing APR is commercial speech which can be state regulated. On appeal, the Ninth Circuit heard oral argument October 9, 2025 and has not yet rendered a decision.

3. Facts

Attorney General Bonta sued a San Jose pregnancy center and Heartbeat International for false and misleading advertising related to APR.

4. Status

Represented by Alliance Defending Freedom (ADF), NIFLA brought a pre-enforcement challenge to prevent California Attorney General Rob Bonta from using consumer protection laws against pregnancy centers advertising abortion pill reversal (APR) in California.

The United States District Court for the Central District of California denied the motion for injunction on March 6, 2025, holding that advertising APR is commercial speech that may be regulated by the state, that the APR regimen is unproven, and the State of California has an interest in preventing medical harm. *NIFLA v. Bonta*, 769 F. Supp. 3d 1109 (C.D. Cal. Mar 6, 2025).

An appeal was filed in the Ninth Circuit Court of Appeals. Amicus briefs were filed by the American Center for Law and Justice, Thomas More Society, Charlotte Lozier Institute, Pennsylvania Pregnancy Wellness Collaborative, Life Legal Defense Foundation, Heartbeat International, Liberty Counsel, and Information Society Project.

A similar case filed by Thomas More Society on behalf of Culture of Life Family Services, a non-profit pro-life pregnancy support and medical center in California, had yielded a similar result at the trial level. *Culture of Life Family Services, Inc. v. Bonta*, 789 F. Supp. 3rd 902 (S.D. Cal. Jun 13, 2025). It was also appealed to the Ninth Circuit.

A three-judge panel heard both cases at oral argument in Pasadena, California, on October 9, 2025. The Court has not yet rendered a decision.

C. Delaware

1. Style

NIFLA, Door of Hope Pregnancy Center, Inc. v. Jennings
United States District Court of Delaware (Wilmington); Case No: 1:25-CV-00173

2. Summary

Delaware passed a bill mandating posting disclaimer language in all pregnancy centers. NIFLA sought an injunction to prevent enforcement against its centers. Based upon the SCOTUS decision of *NIFLA v. Becerra*, a settlement is pending.

3. Facts

The State of Delaware's SB300 is a bill requiring pro-life pregnancy centers to post an 11x17 notice in 80-point type stating that pregnancy resource centers are not medical facilities and have no medical providers: *"This facility is not licensed as a medical facility by the state of Delaware and has no licensed medical provider who provides or directly supervises the provision of services."* The notice must also be included in all print and digital advertising.

4. Status

Represented by Alliance Defending Freedom (ADF) and local counsel, NIFLA brought a pre-enforcement challenge to the statute. This case should be dismissed based upon the 2018 *NIFLA v. Becerra* decision, in which the United States Supreme Court struck a similar provision in California.

The State agreed not to enforce the law pending litigation. Settlement negotiations are pending but the case remains active. A draft consent decree is pending. A three-day trial is set to begin on March 1, 2027.

D. Illinois

1. Style

NIFLA v. Treto, 777 F.Supp.3d 867 (N.D. Ill Apr 4, 2025)
United States Court of Appeals for the Seventh Circuit, Case No. 25-1657

2. Summary

The State of Illinois enacted a statute in 1999 requiring physicians to discuss all benefits and risks of all treatments with patients and to make referrals in the event of conscientious objection to the preferred mode of treatment. The statute would compel pro-life

physicians to refer patients to another professional that would provide an abortion. NIFLA sued the state and won an injunction as to part of the statute regarding discussing "benefits" of abortion, but the court held that the referral requirement is acceptable regulation of professional conduct and not a free speech issue. The case is on appeal. HHS issued a Notice of Violation on January 21, 2026.

Though the Notice of Violation provided for 30 days' response by the State of Illinois, HHS is awaiting the decision of the Court for further action.

3. Facts

Represented by ADF, NIFLA and A Door of Hope Pregnancy Center, Inc. sued the state of Illinois in federal court, challenging a law that would force pro-life pregnancy medical center professionals to discuss the "benefits" of abortion with their pregnant patients and refer them directly to abortionists.

An injunction was obtained as to the "benefits" part of the law but denied that the requirement to make referrals for abortion violated free speech. Instead, the court held that this provision was lawful regulation of professional conduct. After a three-day trial in September 2023 and review of final briefs filed in January, Judge Johnston issued his opinion on April 4, 2025, striking down the part of the law that compelled providers to discuss the "benefits" of abortion with patients. However, the part of the law that requires medical professionals to provide information about other medical professionals who might perform an abortion was upheld.

4. Status

The decision as to the portion of the statute which the court left in place as legal regulation of professional conduct has been on appeal since April 18, 2025. No date has been set for oral argument. The case remains at the briefing stage with several requests from other organizations to file amicus briefs. An injunction precluding enforcement is in place pending appeal.

In the meantime, ADF and Thomas More Society had filed complaints with the OCR of HHS. After investigation, HHS issued a Notice of Violation on January 21, 2026, wielding the power of the federal purse. The State of Illinois was informed that pursuant to the mandates set out in the Coats-Snowe Amendment (42 USC 238n) and the Weldon Amendment [Sec. 507(d)(1), Div. H, Consolidated Appropriations Act, 2023 (P.L. 117-328)], funding would be withheld due to unlawful discrimination unless good cause could be shown within 30 days.

Enacted in 1996, the Coats-Snowe Amendment prohibits the federal government and state/local governments receiving federal funds from discriminating against health care entities—including physicians and residency programs—that refuse to perform, train for, refer for, or make arrangements for abortions. from discriminating against a health care entity on the basis that the entity does not "refer for abortions" or "make arrangements

for" abortion or referral for abortion. The Weldon Amendment, first passed in 2004, is a recurring appropriations rider prohibiting HHS funds from going to governments or programs that discriminate against health entities refusing to provide, cover, or refer for abortions. It is readopted annually, recently cited as Sec. 507(d)(1), Div. H, Consolidated Appropriations Act, 2023 (P.L. 117-328).

Though the Notice of Violation provided for 30 days' response by the State of Illinois, HHS is awaiting the decision of the Court for further action. *See,* https://www.hhs.gov/sites/default/files/nov-illinois.pdf.

E. New York

1. Style

Compass Care, NIFLA, and First Bible Baptist Church v. Hochul, et al.,125 F.4th 49 (2d Cir. 2025) [formerly, *NIFLA v. Cuomo*]

2. Summary

New York's Labor Law [N.Y. Lab. Law § 203-e(6)], prohibited "discrimination based on an employee's or a dependent's reproductive health decision making." This provision could not be waived by an employee, and an employer was compelled to include a notice about the Act, including remedies, in any employee handbook. NIFLA, joined by Compasscare (a pregnancy resource center), and First Bible Baptist Church, brought a federal court action for injunction, claiming that their constitutional rights to free speech, religious autonomy, and association prohibited enforcement of this measure as to pro-life and religious groups. The case was dismissed by the trial court, except for the handbook requirement. On appeal, the Second Circuit held that the plaintiff's "expressive-association" rights were violated by the Act, but that their First Amendment free speech right and free exercise of religion rights were not infringed. The case was remanded to the District Court and settled in January of 2025.

3. Facts

Compass Care, NIFLA, and First Bible Baptist Church v. Andrew Cuomo, et al. In 2019, then N.Y. Governor Cuomo signed the "Boss Bill" which would force pro-life organizations to hire employees who would undermine their pro-life values. IFLA, represented by ADF, was unable to secure an injunction preventing the law from going into effect, and the District Court held the law was not unconstitutional (except for a compelled speech component required in employee handbooks).

The case was appealed to the Second District Circuit Court of Appeals, and oral argument ADF attorneys was heard in December 2023. Over a year later, on January 2, 2025, the Second Circuit ruled in part for NIFLA and others, reinstating their claims, and sending the case back to the District Court for litigation of the expressive-association claim.

4, Status

The case was settled on March 26, 2025, in a Joint Stipulation of Dismissal with prejudice as to facial claims but not as to any potential future as-applied claims. During the litigation, the courts significantly narrowed NY's ability to take action against pregnancy centers simply for employing individuals who are hired to further their life-affirming mission. Note that in a similar case, *Evergreen Ass'n, Inc. v. Hochul*, No. 1:20-CV-0112 (AMN/DJS), 2025 WL 359074, at *5 (N.D.N.Y. Jan. 31, 2025), summary judgment was granted to the defendants because the center had no serious plans to hire anyone and therefore could not show real injury by the law (lack of standing).

F. New York

1. Style

NIFLA, et al. v. James, 160 F.4th 360 (2d Cir. 2025)

2. Summary

The Attorney General of New York brought actions against pregnancy centers for advertising APR as fraudulent. NIFLA, represented by ADF, with other plaintiffs sought an injunction against the state to prevent enforcement and won at the trial and appellate levels, with the resolution determined on December 1, 2025 in the Second Circuit Court of Appeals.

3. Facts

On May 6, 2024, New York Attorney General James brough an action against Heartbeat International, Inc. ("HBI"). James claimed that offering APR violated New York's General Business Laws, N.Y. Gen. Bus. Laws §§ 349, 350, and its claims about APR were fraudulent. NIFLA, on behalf of its New York Centers, with others, brought an action for an injunction and for declaratory relief to prevent targeting and punishing centers for offering APR, and for violation of their First and Fourteenth Amendment rights to free speech, freedom of religion, and due process.

4. Status

NIFLA, represented by ADF, filed a petition for injunction to prevent enforcement on May 24, 2024, against the Attorney General of New York. James tried to prevent pro-life pregnancy centers from telling women about the option of using progesterone for abortion pill reversal. She had sued 12 centers in state court on a theory of misleading advertising because they advertised APR. On August 16, 2024, a hearing on our request for a preliminary injunction was held, and a week later, the Judge granted the preliminary injunction, holding that the state cannot chill our First Amendment rights to speak about abortion pill reversal. The Second Circuit Court of appeals issued its opinion on December

1, 2025, affirming the injunction issued by the circuit court, finding that there was a threat of irreparable harm, a likelihood of success on the merits, and that the injunction serves the public interest. Case is scheduled for mediation at the trial level.

This case is similar to *NIFLA v. Bonta in California*, now under consideration in the Ninth Circuit. In the event of a contrary decision on such similar facts, a petition for certiorari is likely to be filed.

An answer and affirmative defenses was filed by the State of New York and the Court has directed the parties to mediation.

G. Vermont

1. Style

NIFLA v. Clark, 737 F.Supp.3d 246 (D. Vt. 2024)

2. Summary

Vermont's legislature targeted pregnancy centers by statute in SB 37 which protected "gender affirming" care (excluding conversion therapy specifically) and protected abortion under threat of unprofessional conduct, "legally protected" the exercise of reproductive rights, and added other measures favoring abortion.

3. Facts

Vermont passed SB 37 in 2023 which targeted pro-life pregnancy centers and censored their ability to advertise free services. It also required licensed providers at pregnancy centers to supervise the provision of non-medical services, information, and counseling by unlicensed providers. ADF represented NIFLA and its centers in Vermont, challenging the constitutionality of the law.

4. Status

The Vermont legislature changed the statute (1 V.S.A. §150) in 2025, making the case moot, and it was dismissed. The amendment changed the law under challenge to remove the discriminatory provisions. The case was resolved by voluntary dismissal due to the statutory change.

H. Minnesota

1. Style

Women's Life Care Center, NIFLA et al. v. Ellison, et al., 2025 WL 2834950 (D. Minn Aug 7, 2025); Case No. 25-2905, United States Court of Appeals for the Eighth Circuit

2. Summary

In a unique case brought by the Cassidy Law Firm, NIFLA was party to a constitutional challenge against the state of Minnesota for violating the intrinsic rights of pregnant mothers in their constitutionally protected relationship with their children.

3. Facts

Minnesota allegedly created a statutory scheme with abortion providers like Planned Parenthood to achieve the termination of a pregnant mother's constitutionally protected relationship with her child, often involuntarily based on coercion and pressure.

The Complaint was filed in November 2024 and sought an end to coerced abortions, true informed consent processes, and recognition of constitutional protection of the mother-child relationship.

4. Status

Defendants' motions to dismiss were granted August 27, 2025. The 41-page order contains numerous errors, per the Cassidy law firm. Notice of Appeal was filed in the Eighth Circuit on September 22, 2025 and the docket shows it is in briefing.

II. NIFLA NOT A PARTY

A. Colorado

1. Style

Bella Health and Wellness et al., v. Phil Weiser et al., 793 F.Supp.3d 1320 (D. Colo 2025)

2. Summary

In another attack on the provision of APR (abortion pill reversal), Colorado passed SB 23-190, declaring it unprofessional conduct for a health-care provider to provide, prescribe, administer, or attempt APR. This case was partially resolved by stipulation and order.

3. Facts

The State of Colorado enacted a statute in 2023 (SB 23-190) which made advertising for, offering or prescribing APR a deceptive trade practice. The revised statute provides that "A person engages in a deceptive trade practice when the person makes or disseminates to the public or causes to be made or disseminated to the public any advertisement that indicates that the person provides abortions or emergency contraceptives, or referrals for abortions or emergency contraceptives, when the person knows or reasonably should have known, at the time of publication or dissemination to the public of the advertisement, that the person does not provide those specific services." § 6-1-734 Colo. Rev. Stat. Ann.

The bill also provides that it is unprofessional conduct for a medical professional to prescribe, provide, or administer APR until the Colorado Medical Board, the Colorado Board of Nursing, and the State Board of Pharmacy adopt it as a standard practice. § 12-30-120 Colo. Rev. Stat.

The net effect was that a PRC which advertises APR engages in a deceptive trade practice and the medical professionals that administer it endanger their licenses.

4. Status

Upon enactment of the statute, Bella Health and Wellness, joined by its CEO, and individual professionals and their patients, and represented by attorneys from the Beckett Fund, sued the Attorney General of Colorado, the Board of Nursing, the Colorado Board of Medicine, and three District Attorneys for an injunction to prevent any enforcement of the provisions. The District Court of Colorado entered a temporary injunction, which was later made permanent, in part. *Bella Health & Wellness v. Weiser*, 699 F. Supp. 3d 1189, 1196 (D. Colo. 2023).

On August 1, 2025, the United States District Court for the District of Colorado entered a partial summary judgment in favor of Bella Health and the other plaintiffs. The Court held that the requested injunction against enforcement of the law prohibiting APR prescription

should be granted, stating, “Defendants must be permanently enjoined from initiating disciplinary action against Plaintiffs for the provision of abortion pill reversal treatment.” [Emphasis added]. *Bella Health & Wellness v. Weiser,* 793 F. Supp. 3d 1320, 1329 (D. Colo. 2025).[1] Again, the plaintiffs included the center and medical professionals.

The Court deferred, however, on the question of advertising APR stating that the Attorney General had represented that it had “no plans to investigate anyone under the CCPA [Colorado Consumer Protection Act] for offering, providing, or advertising medication abortion reversal.” *Id.*

The question becomes whether the decision protects Colorado pregnancy resource centers offering APR, and whether collateral estoppel will preclude enforcement efforts as to the remaining unresolved issue of advertising.

NIFLA drafted an opinion which was shared with the Colorado Coalition assessing the risk of pregnancy centers advertising and offering APR as very low based on the principles of collateral estoppel and issue preclusion.

B. Illinois

1. Style

Pregnancy Care Center of Rockford v. Raoul, U.S.D.C. Western District of Illinois, Case No. 3:25-cv-50127; *Pregnancy Care Center of Rockford, et al v. James Bennett*, *et al*, Case No. 26-1861, United States Court of Appeals for the Seventh Circuit.

2. Summary

Illinois’ state law makes it illegal for faith-based organizations to make hiring decisions consistent with their sincerely held beliefs. The Catholic Diocese and a pregnancy center in Rockford, represented by ADF, filed a petition for declaratory relief and for injunction to preclude enforcement.

The law’s recent amendment bans employers from refusing to hire a candidate because of the candidate’s voluntary decisions relating to abortion, sterilization, and contraception.

3. Facts

The Illinois Human Rights Act, as amended by H.B. 4867, (*See*, Ill Comp. Stat. § 5/1-102(A)) forces employers to hire regardless of whether the applicant shares core values of the institution. The law's recent amendment bans employers from refusing to hire a candidate because of the candidate’s voluntary decisions relating to abortion, sterilization, and contraception.

[1] The State of Colorado has removed the statute from its official website, though the draft of the bill remains on the Colorado Senate site.

4. Status

The Catholic Diocese of Springfield, along with the Pregnancy Care Center of Rockford, and represented by ADF, filed suit March 20, 2025.. The Complaint is 60 pages and consists of several counts alleging first amendment free speech violation, violation of the right to free exercise of religion, and violation of equal protection guarantees. The case seeks declaratory relief and to prevent the law's enforcement. The suit argues that the law renders religious organizations "powerless to control deeply theological internal matters and to separate themselves from conduct that fatally undermines their mission and message."

The State of Illinois has moved to dismiss based on lack of standing. The dismissal was accompanied by an opinion stating that no actual harm was threatened. Final Judgment was entered May 11, 2026 and appeal was filed. Appellant's Brief was filed June 2, 2026.

C. Massachusetts

1. Style

A Women's Health Concern v. Healey, Case No. 1:24-cv-12131-LTS

2. Summary

This case was bought against the governor and attorney general, along with the Reproductive Equity Now Foundation. The plaintiffs are represented by ACLJ and Massachusetts Family Institute. The case was filed on August 18, 2024, alleging that the state and an abortion lobbying group colluded to violate the constitutional rights of pregnancy centers. A 60-page amended complaint was filed claiming retaliation, defamation, constitutional infringements, intimidation, and selective law enforcement.

3. Facts

According to the complaint, the State of Massachusetts has commenced an $8 million smear campaign against pregnancy centers including defamatory social media posts, false and misleading statements by elected officials, the encouragement of vandalism, threats, and retaliation targeting prolife medical professionals.

4. Status

Motion to Dismiss was filed in July of 2025 based on failure to state a cause of action. The State argued that "the State Defendants' speech is government speech to which the First Amendment does not apply, and the State Defendants have neither burdened Your Options Medical's free exercise of its religious beliefs nor violated the Equal Protection Cause," in addition to qualified immunity. An Order of 59 pages granting the Motion to Dismiss was entered February 17, 2026. The Court noted that the State's issues were

with the quality of medical services, not the religious beliefs of the center. Notice of Appeal was filed by Your Options on March 16, 2026.

Appellant's Brief was filed in the First Circuit Court of Appeals Case No. 26-1264 on June 5, 2026.

D. Massachusetts

1. Style

Four Women Health Services, LLC v. Abundant Hope Pregnancy Resource Center, Inc. et al. Case No. 1:24-CV-12283

2. Summary

Abundant Hope was sued by the neighboring abortion provider for false advertising, interference with business and other torts. The legal basis for their claims is that the constitution of Massachusetts guarantees reproductive freedoms, and the center interferes with those rights, along with running afoul of consumer protections.

3. Facts

NIFLA member, Abundant Hope Pregnancy Resource Center in Attleboro, MA secured a location across the parking lot from the local abortion provider. They were thereafter sued by the provider which alleged business interference, including cyber-attacks and violation of consumer protection laws.

4. Status

Abundant Hope is the defendant, represented by local counsel. Plaintiffs added Choose Life Marketing as a defendant because they serve the center and promote its purposes. Thomas More Society represents Choose Life. The center absolutely denies the allegations of interference. A Motion to Dismiss for Failure to State a Claim and a Motion for Judgment on the Pleadings have been filed without determination to date.

E. Massachusetts

1. Style

Bethlehem House, Inc. v. Reproductive Equity Now Foundation and Rebecca Hart Holder, Massachusetts Superior Court, Case No. 2580-CV-00009

2. Summary

A Massachusetts pregnancy resource center, Bethlehem House, filed a defamation lawsuit January 29, 2025 against a pro-abortion group that, together with the state

government, launched a campaign against pregnancy resource centers. Bethlehem House's complaint alleges that pro-abortion group Reproductive Equity Now (REN) launched a "politically-motivated attack" that attempts "to undermine and discredit these organizations [pregnancy resource centers] because they disagree with their religious and moral stances on abortion." The case is pending.

F. New Jersey

1. Style

First Choice Women's Res. Centers, Inc. v. Att'y Gen. of New Jersey, No. 24-3124, 2024 WL 5088105 (3d Cir. Dec. 12, 2024), cert. granted sub nom. *First Choice Women's Res. Centers, Inc. v. Platkin*, 145 S. Ct. 2793, 222 L. Ed. 2d 1085 (2025)

2. Summary

The Attorney General served extensive subpoena requests upon two centers in New Jersey asking for years' worth of advertising, all their manuals, a list of their donors, and other documents. First Choice resisted and after some intervening appeals, the final decision regarding whether the request is an infringement upon constitutional rights is pending in the Supreme Court.

3. Facts

"First Choice sued the Attorney General of New Jersey to prevent him from enforcing a non-self-enforcing investigatory subpoena that requested, among other things, First Choice's donor records and identities." *Id*. at *1. ADF represents NIFLA member First Choice Women's Resource Center. NIFLA has filed several amicus briefs in the federal matters urging the courts to act to protect the center. First Choice has produced hundreds of documents to the state and is clear that it has nothing to hide, but much to protect and will not be handing over the donor list.

A petition for writ of certiorari was filed at the U.S. Supreme Court on this question: "Where the subject of a state investigatory demand has established a reasonably objective chill of its First Amendment rights, is a federal court in a first-filed action deprived of jurisdiction because those rights must be adjudicated in state court?" Thirty-eight amicus briefs were filed in support of First Choice, including one from the ACLU. ACLJ filed one on behalf of NIFLA.

The Supreme Court granted certiorari on heard oral arguments on December 2, 2025. Opinion entered April 29, 2026 and cert granted June 16, 2026.

"This Court has long held that "compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association" as more direct forms of suppression, *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462, 78 S.Ct. 1163, 2 L.Ed.2d 1488 (1958), and thus has repeatedly subjected demands for private

donor or member information to heightened First Amendment scrutiny." *First Choice* at 1114.

G. New York

1. Style

Heartbeat International, et al. v. Letitia James, 243 A.D. 3d 1380 (NY 2025)

2. Summary

In another case of infringements upon the civil rights of centers, N.Y. AG James threatened enforcement actions for advertising APR as fraudulent business practice.

3. Facts

On April 22, 2024, N.Y. Attorney General, Leticia James' office sent "Notice of Intention to Sue" threat letters to a dozen, mostly NIFLA member, pregnancy centers that offer or share information about the APR protocol. James' threatening letter falsely accused the centers of "repeated and persistent misleading statements and omissions."

4. Status

Thomas More Society attorneys filed a verified complaint on April 30, 2024, in the Supreme Court of New York against James, outlining how her threatened prosecution and intimidation of pregnancy help organizations violates the First and Fourteenth Amendments of the United States Constitution, the New York Constitution, and state civil rights law. James tried to change the venue to Manhattan; however, the Court on May 24, 2024, agreed that the case should be heard in Rochester, the 'most fair, appropriate and logistically convenient venue,' and not in Manhattan, which has no connection to the case. No appeal taken.

H. Washington

1. Style

Obria Grp., Inc. v. Ferguson, No. 3:23-CV-06093-TMC, 2025 WL 27691, (W.D. Wash. Jan. 3, 2025)

2. Summary

A group of 22 affiliated Washington State PRCs provides information regarding APR and generally pro-life material. The AG made demands for documents under the Washington consumer protection statute. The center group, represented by ADF, sued the state on constitutional grounds. The case was dismissed January 3, 2025 based on lack of standing and lack of ripeness.

3. Facts

The Attorney General, using its powers of investigation, sought information from the group of pregnancy centers in Washington, and the group complied with objections. The AG said it was investigating possible unfair methods of competition or deceptive trade practices under RCW 19.86.110. The request was for not only documents but for responses to interrogatories. The groups responded directly to the AG with documents and objections. Demands were also made for information from business associates of the centers. As a result of the investigation, the centers suffered increased insurance premiums and damage to other business relationships due to being the target of a government investigation.

4. Status

The statute granting authority for the investigation also provided for allowed a means of contest, which was to modify or set aside the demand under RCW 19.86110(8). The court determined that the centers had no standing, that the case was not ripe, and dismissed the case. No appeal was taken.

III. FACE Act [18 U.S.C. § 248 (1994)] Enforcement

On April 14, The U.S. Department of Justice, Office of Legal Policy released “The Biden Administration’s Weaponization of the Freedom of Access to Clinis Entrances Act.” See, https://www.justice.gov/opa/media/1436006/dl?inline

The essence of the report was that the Biden administration unevenly enforced the Freedom of Access to Clinic Entrances (FACE) Act to target anti-abortion activists.

- Harsher sentences were meted out to prolife activists.
- DOJ collaborated with prochoice groups for key decisions.
- DOJ ignored input from prolife groups .
- DOJ attempted to screen out prolife and/or Chrisitan jurors.
- Authorities prioritized protecting abortion clinics.
- Authorities failed to adequately pursue attacks on pregnancy resource centers and churches.
- Personnel actions, including firings, were taken against federal prosecutors involved in lawsuits against prolife activists under the prior administration.
- The Trump administration has moved to reverse prior enforcement trends by pardoning numerous convicted pro-life activists and directing the DOJ to limit future civil FACE Act prosecutions to "extraordinary circumstances."

WHY THIS MATTERS

The local PRC needs assistance in compliance, preserving rights, awareness of attacks and pitfalls, prevention and policy.

Early awareness preserves the issues.

Monitoring of legislation helps prevent unlawful measures.

Compliance monitoring is critical to defense.

Maintaining religious purposes in bylaws, statements of faith, employment handbooks, is essential to preserve First Amendment rights.

Contact us with infractions and for assistance.

June 17, 2026
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