Press Releases

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ATTORNEY GENERAL MADIGAN JOINS SUPREME COURT BRIEF IN SUPPORT OF REPRODUCTIVE HEALTHCARE ACCESS

Brief Filed by Madigan & 16 Other Attorneys General Comes Ahead of SCOTUS Arguments on California's Reproductive Freedom Act

Chicago — Attorney General Lisa Madigan, along with 16 other attorneys general, today filed an amicus brief with the U.S. Supreme Court in support of women's reproductive health care access. The case involves "crisis pregnancy centers" – which counsel women against abortion – that are fighting a California state law requiring these centers to inform clients about public programs that provide free or low-cost contraception, abortion and other family-planning services. The Supreme Court is scheduled to hear arguments in the case on March 20.

The brief, filed in *National Institute of Family and Life Advocates, et al. v. Becerra, et al*., argues that state disclosure requirements are vital to ensuring patients have the information they need to make timely, well-informed decisions about their health, safety and legal rights. The brief also says that the states have a compelling interest in ensuring they can continue to rely on such modest, factual disclosures to provide key information to their residents.

California's Reproductive Freedom, Accountability, Comprehensive Care, and Transparency (FACT) Act requires certain state-licensed medical clinics to notify their patients that the county health department offers information about "public programs that provide immediate free or low-cost access to comprehensive family planning services (including all FDA-approved methods of contraception), prenatal care and abortion for eligible women." The Act also requires certain unlicensed clinics to notify their patients that the clinics are not licensed as a medical facility by California.

In part, the brief states:

"The disclosure rule protects patients by providing them with important information about pregnancy-related services early enough that they can make fully informed decisions about the most appropriate medical care for their circumstances—whether prenatal care of various kinds, or abortion induced by medication or surgery. And the rule preserves clinics' speech interests by requiring only a neutral disclosure of uncontested facts about the availability of free or low-cost pregnancy-related services—including not only services provided by the clinics (such as prenatal care), but also other services that California has reasonably determined women should be aware of before committing to important healthcare choices affecting their pregnancies."

The U.S. District Court for the Southern District of California denied the clinics' motion for a preliminary injunction. That decision was affirmed by the U.S. Court of Appeals for the Ninth Circuit, which concluded the clinics were unlikely to succeed on their First Amendment challenges because both disclosure rules are narrowly tailored to serve the state's substantial public health and patient-protection interests.

Joining Madigan in filing the brief were the attorneys general of Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Vermont, Virginia and Washington.

A copy of the brief can be found here.

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