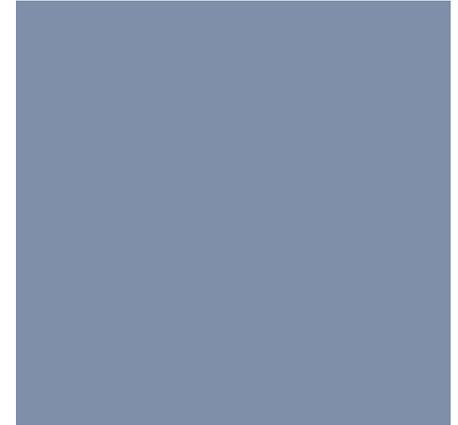
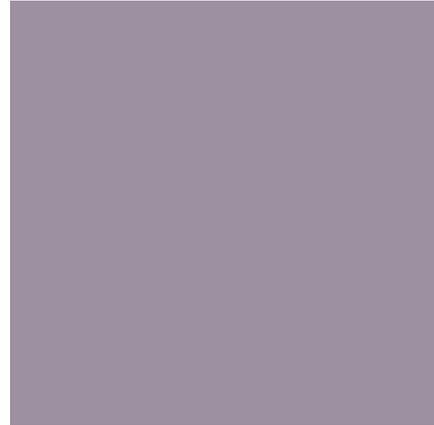




*The FACT Act Decision
and the U.S. Supreme
Court's Impact on the
Future of Reproductive
Health Care*



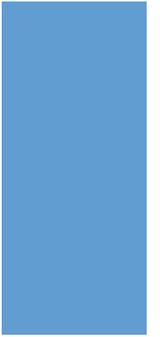
CALIFORNIA
WOMEN'S
LAW CENTER

Michele Goodwin
Chancellor's Professor
UC Irvine School of Law

Amy Poyer
Senior Staff Attorney
California Women's Law Center



Agenda



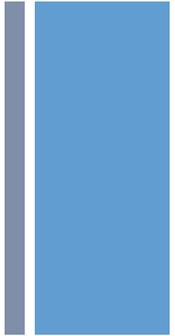
- Introduction to CPCs
- The FACT Act
- NIFLA v. Becerra
- Reproductive Rights in California
- Future of Reproductive Rights After NIFLA
- Questions!

+

What are CPCs?



“Crisis Pregnancy Centers”



■ What are CPCs?

- “Crisis pregnancy centers”, “pregnancy resource centers” “pregnancy health center” or fake health clinics
- Organizations who do not want anyone to have an abortion

■ Who are they funded by?

- Usually religiously affiliated
- Anti-Choice groups

+ CPC's in California

■ Prevalence

- As of 2015, 228 CPCs existed in CA

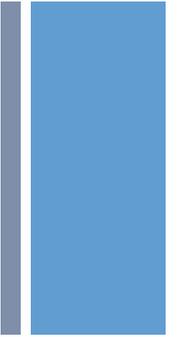
■ Deceptive tactics

- Poaching patients
- Misrepresentation of services
- Misrepresentation of licensing
- False claims about medical effects of abortion



+ Who do CPCs target?

- Low income
- Women of color
- Youth
- Rural areas



+

The FACT Act



The FACT Act



■ Licensed

- CPCs must post a notice that the State provides low or no-cost family planning services, with the phone number for that County's social services department

■ Unlicensed

- CPCs that are not licensed as medical facilities must disclose that fact

+

NIFLA v. Becerra

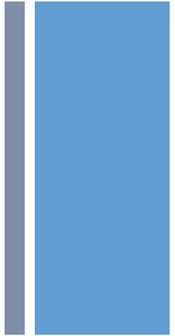
+ Background of the case

- National Institute of Family and Life Advocates filed the lawsuit in S.D. Cal. on behalf of 100+ CPCs
 - Sought preliminary injunction
 - District Court denied request
- Ninth Circuit affirmed holding that the FACT Act did not violate freedom of speech or freedom to exercise religion under the First Amendment
- Supreme Court took up speech question only
 - CWLC amicus brief – compelling interest
 - Oral argument occurred March 20, 2018
 - 5-4 opinion released June 26, 2018





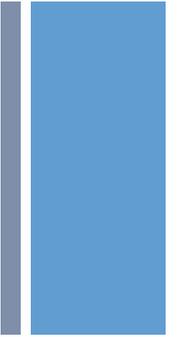
Majority Opinion (Justice Thomas)



- Five justices joined the majority: Thomas, Roberts, Kennedy, Alito and Gorsuch
- Held that both the licensed and unlicensed notice procedures likely violated the First Amendment
- Rejected “professional speech” intermediate scrutiny standard for licensed facilities

+ Dissent (Justice Breyer)

- 4 Justices joined the dissent: Breyer, Ginsburg, Sotomayor and Kagan
- Breyer criticized the majority's opinion in light of the Court's decision from *Planned Parenthood v. Casey* (1992)



+ *Reproductive
Rights in CA*



California's History Protecting Reproductive Rights



- Maternal mortality rates
- Insurance coverage for contraception and abortion
- Constitutional rights to reproductive freedom

*The Future of
+ Reproductive
Rights after NIFLA*



The Future of Reproductive Rights



- In California
- In other states
- The future of Roe v. Wade



Questions?