

NEWS & POLITICS

## (Don't) be deceived

*Illinois attorney general Kwame Raoul agreed to toss out a law that would've cracked down "deceptive practices" by fake abortion clinics.*

by **Maia McDonald**

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Crisis pregnancy centers pose as medical clinics to dissuade pregnant people from considering abortion and other pro-choice options.

Credit: Collage by James Hosking

**W**hen the clock struck midnight on January 1, 2024, it ushered in another year of **reproductive rights being stripped away** since the fall of *Roe v. Wade*. In Illinois, the latest legal decision to

impact reproductive health care involves so-called crisis pregnancy centers (CPCs), organizations (typically affiliated with national religious groups opposed to contraception) that pose as medical clinics to dissuade pregnant people from considering abortion and other pro-choice options, often through deceptive means.

In a shocking about-face, Illinois attorney general Kwame Raoul's office announced an agreement last month with anti-abortion advocates that the state will not enforce legislation that would have cracked down on deceptive practices by these fake abortion clinics. It was a surprising move for the attorney general, who'd helped **introduce such legislation** himself earlier in 2023. As a result, many Illinois abortion rights advocates say they'll need to work even harder to protect residents seeking reproductive health care.

The agreement followed a legal battle brought by anti-abortion advocacy groups the National Institute of Family and Life Advocates, Pro-Life Action League, and Rockford Family Initiative, alongside CPCs Relevant Pregnancy Options Center in Highland and Women's Help Services (which runs Johnsburg's 1st Way Life Center and Focus Women's Center in McHenry). Together, they collectively sought to challenge the effects of **Senate Bill 1909**, an amendment to the Illinois Consumer Fraud and Deceptive Business Practices Act, which Governor J.B. Pritzker **signed into law** in late July. They argued the law, which would have prohibited CPCs from engaging in deceptive practices and subjected them to hefty fines of up to \$50,000 for each violation, limited their right to free speech.

Iain D. Johnston, a federal judge appointed by former president Donald Trump, temporarily **blocked the newly enacted measure** soon after it became law and issued a permanent injunction against the state in December, ending Illinois's ability to penalize CPCs through the act.



Demonstrators with Reproductive Transparency Now march against crisis pregnancy centers in Chicago on July 17, 2023.

Credit: Al Nowakowski

Peter Breen, a former Republican state lawmaker currently serving as the executive vice president and head of litigation at the Thomas More Society, an anti-abortion legal advocacy group that represents several Illinois CPCs, wrote **in a statement** that the agreement is “a win for pro-life ministries and free speech.”

Though Illinois residents can still file complaints against these fake clinics through the **attorney general’s website**, abortion advocates like Lisa Battisfore, president and treasurer of Reproductive Transparency Now, a volunteer-led organization in Chicago that seeks to educate the public about CPCs, believe it isn’t enough.

Battisfore says she and other reproductive rights advocates felt “blindsided” by Raoul’s agreement, which she believes will give CPCs license to continue endangering the health of Illinoisans for the sake of “political points.”

“There is a lack of understanding that anti-abortion crisis pregnancy centers are not just a part of the anti-abortion movement—they *are* the anti-abortion movement,” Battisfore says. “Crisis pregnancy centers have been a key strategic pillar for anti-abortion advocates for decades. This is all unfolding exactly the way they planned.”

Sometimes known as anti-abortion centers, pregnancy resource centers, pregnancy care centers, limited services pregnancy centers, or fake clinics, these facilities often pose as real medical clinics despite many **not having the proper licenses** to provide expansive reproductive health care. Many typically only offer ultrasounds or other limited services, like counseling, performed by volunteers.

Their goals, instead, focus on convincing people who come across them not to get abortions, and they overwhelmingly target vulnerable populations, including people of color, low-income communities, and students, Battisfore says. She believes protecting the public from fake clinics is a neglected issue, one that’s pushed aside because it’s more “nuanced” and “complicated” than other, more straightforward abortion access issues.

Before Democratic lawmakers introduced Senate Bill 1909 on Raoul’s behalf, Battisfore says she attempted to get the attorney general’s office to issue a consumer alert, much like ones issued in **California**, **Minnesota**, **Massachusetts**, and **New Jersey**.

California attorney general Rob Bonta, for example, issued **a consumer alert**—which many state attorneys general release to warn the public about potential scams or frauds—for the state’s CPCs in 2022, cautioning residents seeking reproductive health care about the potentially misleading and limited services the centers often provide.

When Raoul instead threw his support behind legislation that would hold CPCs accountable through preexisting law, Battisfore shifted her attention to support that effort, she says.

Raoul, who initially conceived of the legislation last year, says he was inspired to pursue it after encountering firsthand the deceptive practices employed by CPCs while visiting a Planned Parenthood of Illinois health center, according to a press release from March of last year. Raoul **claimed to see** people stationed outside of the clinic who, despite appearing as though they worked there, tried to steer people away from entering.

“Patients report being misled into going to crisis pregnancy centers—sometimes even receiving exams and ultrasounds—thinking they were visiting another clinic that offers the full range of reproductive care,” Raoul said in the release. “This is an extreme violation of trust and patient privacy that should not occur in our state.”

However, with the state's decision not to enforce the new law, abortion advocates like Battsfore will have to find new ways to limit the impact of CPCs. Battsfore believes the attorney general should strongly consider a consumer alert. She and other advocates say Illinois can't underestimate the impact of fake clinics nor the scope of their reach.

*“I don't believe that the First Amendment protects lies, and that's what's occurring.”*

CPCs in Illinois provided services valued at nearly \$8 million in 2019, according to the Charlotte Lozier Institute, an anti-abortion group. Across the country, these centers provided supplies and services including pregnancy tests, ultrasounds, parenting education programs, baby diapers, wipes, formula, clothing, and more to nearly one million new patients in 2022, the institute claims.

“It speaks to how powerful these anti-abortion groups are, and that even in a state like Illinois, they were able to scare the attorney general away from defending his own legislation,” Battsfore says.

Raoul said in a December statement that the agreement with anti-abortion advocates who levied the suit against the state “in no way affects my ongoing work protecting women's rights to access the full range of reproductive health services.” He concluded, “I will not waver in my efforts to ensure that Illinois remains an oasis of reproductive freedom in the middle of our nation.”

Pritzker responded to the attorney general's decision last month at an unrelated news conference where he said that the state's existing consumer protection law “will do what's necessary to keep organizations like the crisis pregnancy centers from providing misinformation [and] disinformation, and allow people to sue under that act.”

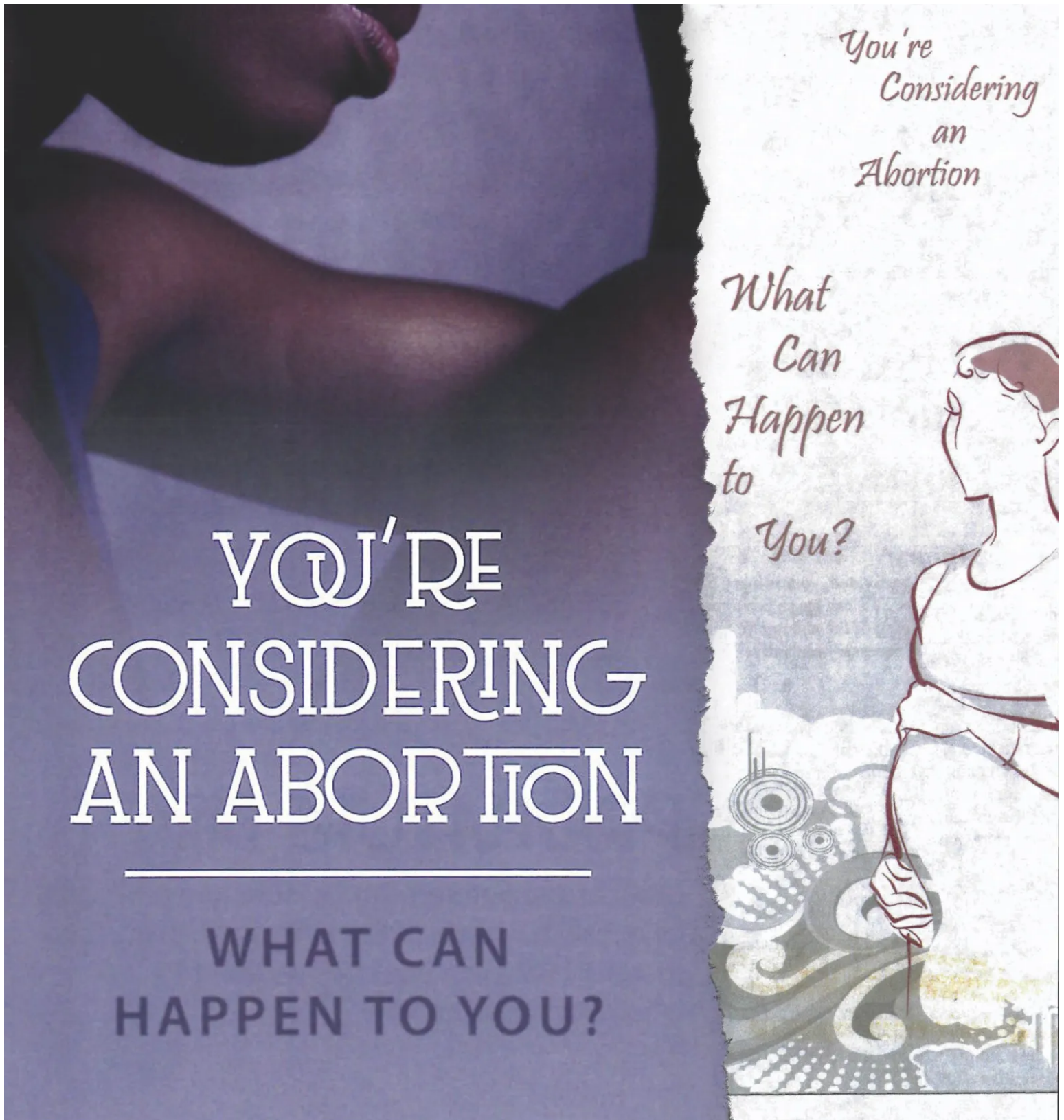
When asked why there had been a need for new legislation to address CPCs if they were already covered under existing law, Pritzker said, “It's a good idea to protect people when they're seeking health care from having their health care provider lie to them, and so that was the impetus behind it.”

Many pro-abortion supporters in Illinois saw the measure as an opportunity to further enshrine protections for reproductive rights—rights they believe remain at risk by the scores of fake clinics that continue to operate in Illinois.

State senator Celina Villanueva, a Democrat from Chicago who filed Senate Bill 1909 in February 2023, **detailed some of the deceptive practices** used by CPCs in a news release. She stated these centers have opened near existing medical clinics that can provide reproductive health care; used similar names to misdirect patients; and promoted false, inflammatory claims that abortion can cause cancer or infertility.

State representative Terra Costa Howard, who carried the bill in the house, says she and other sponsors were initially confident in its chances (similar laws **in Colorado and Connecticut** had been successful) and are disappointed in its outcome. Costa Howard, who says she has a CPC in her district, also doesn't believe the First Amendment should shield groups that jeopardize the health of Illinois residents from being held accountable for dishonesty and misinformation.

“I don't believe that the First Amendment protects lies, and that's what's occurring. If these fake clinics were giving accurate information—that's one thing,” Costa Howard says. “There is nothing in the bill that required the fake clinics to provide information about abortion. There's nothing in the bill that requires them to give that information. You can't lie about health care.”



Crisis pregnancy center pamphlets  
Credit: Collage by James Hosking

Andrea Gallegos, the executive administrator of the reproductive health care provider Alamo Women's Clinic in Carbondale, says her clinic's patients are especially at risk of coming into contact with nearby CPCs amid the proximity to neighboring states where abortion is illegal.

Gallegos accuses CPCs of “fearmongering, meant to make people feel like they do not have a choice. It’s meant to kind of shame patients about abortion care. It’s devastating that they have been allowed to exist in the way that they do and [trick] people into thinking . . . that they are a medical facility when they’re not.” She adds, “I think it definitely affects reproductive health care.”

The [Crisis Pregnancy Center Map project](#), led by Andrea Swartzendruber, an associate professor of epidemiology and biostatistics at the University of Georgia, has identified 97 fake clinics in Illinois since the project started in 2018, with more than a dozen in the greater Chicago area alone.

Swartzendruber believes that, despite the outcome of last year’s case, states and policymakers should figure out ways to regulate how CPCs operate, especially as many attempt to increase the medical services they offer. Many residents—including medical professionals—are unable to identify CPCs, and people are often unaware these centers are in their communities. Swartzendruber and others say education and awareness are becoming increasingly important to combat these issues.

“Major medical organizations agree that crisis pregnancy centers pose risks to both individual health and to public health. Some attorneys general have put out consumer warnings in different states, but there hasn’t been a ton of viable ways to regulate them,” Swartzendruber says. “I would encourage policymakers, state and local health departments, and medical professionals [and] public health professionals to find ways to make sure that people are aware of what crisis pregnancy centers are, and where they are in their local communities.”

Costa Howard says she and other members of the Illinois General Assembly who’d previously supported Senate Bill 1909 are working to find ways to address the negative impacts of CPCs, though they’ll also “have to make sure that we have somebody who’s in place who’s actually going to enforce the laws that we pass.”






Demonstrators with Reproductive Transparency Now march against crisis pregnancy centers in Chicago on July 17, 2023.

Credit: Al Nowakowski

Outside last year's focus on crisis pregnancy centers, Raoul's office says it will continue to fight to maintain reproductive rights in Illinois. It's currently defending the state's Reproductive Health Act, which guarantees access to reproductive health care, against a similar legal challenge, according to Drew Hill, the attorney general's deputy press secretary.

Battisfore sees CPCs as a neglected issue in the realm of reproductive health care—one she believes needs more focus and attention, and one made more difficult due to its complexities. Supporting pro-abortion groups and using direct action and community outreach to educate people most targeted by the fake clinics will help “protect them from being harmed before the harm occurs.”

Another potential solution she thinks could work: reframing centers as medical facilities instead of religious groups protected by free speech mandates.

“It’s time to start treating crisis pregnancy centers like health care facilities,” Battsfore says. “They are performing medical services. They’re performing health care services without being regulated, so it’s time to regulate them as businesses that are performing the services that they provide. If they are as honest as they claim to be, they should not have a problem with that.” 

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