

**TESTIMONY IN OPPOSITION TO SB 490
BEFORE THE SENATE HEALTH CARE AND HUMAN SERVICES COMMITTEE
APRIL 1, 2013**

Dear Senator Monnes-Anderson and Committee Members:

My name is Beverly Anderson. I am an active member of the Oregon State Bar, engaged in the private practice of law for more than a decade, and am currently the Executive Director of Lane Pregnancy Support Center. Lane Pregnancy was formed in 1985 as a crisis pregnancy hotline and has been serving our community in Lane County ever since. We are a faith based organization and are funded entirely by private donations from over 3200 supporters. All of our services are offered free of charge to our patients.

I speak today in opposition to SB 490. This bill is a nearly identical rehashing of SB 769 which was introduced in 2011. Very minor changes have been made to the language of the bill, but those changes do not improve the bill. Once again, proponents of the bill target entities that oppose abortion. The bill would apply to an entity if its primary purpose is to provide pregnancy-related services such as prenatal sonography, pregnancy tests or pregnancy options counseling. Pro-life pregnancy centers are the principal, if not the only, existing entities that fit the definition.

My review of the bill leads me to conclude it is a deceptive solution in search of an undocumented problem. SB 490 is the Oregon version of model legislation being pushed by abortion-on-demand activists, as part of a coordinated national effort by well-funded – and often taxpayer-funded organizations who seek to silence faith-based charitable entities who disagree with them while avoiding regulation themselves. Similar measures have been introduced and defeated in multiple states. City and county versions have been challenged on constitutional grounds, overturned by federal judges and are still being litigated.

Just like SB 490, the challenged ordinances enacted in New York and Baltimore require pregnancy centers in those cities to post notice that they do not provide or make referral for abortion, emergency contraception, or birth control services.

The 4th Circuit Court of Appeals affirmed the district court holding that the disclaimer required by Baltimore's ordinance is a form of compelled speech that alters the course of a pregnancy center's communication with a client or prospective client about abortion and birth-control and is based, at least in part, on disagreement with the viewpoint of the pregnancy center. They noted, particularly, that the Ordinance targets pro-life pregnancy centers and thus regulates communications that are personal, moral, political, and religious. "By requiring a disclaimer that the [pregnancy] center does not provide or refer for abortions, the ordinance compels plaintiffs to deliver the implied message that these services are available elsewhere and should be considered, thus appearing to legitimize such services, in violation of the plaintiff's beliefs." *Greater Baltimore Center for Pregnancy Concerns, Inc. v. Mayor and City Council of Baltimore*, 683 F.3d 539 (4th Cir. 2012)

The New York Federal District Court wrote, "At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence . . . Government action that stifles speech on account of its message, or that requires the utterance of a particular message favored by the Government, contravenes this essential principle. Laws of this sort pose the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information or

manipulate the public debate through coercion rather than persuasion. . . This is particularly true where, as here, Plaintiff's speech on reproductive rights concerns an issue prevalent in the public discourse." *Evergreen Association, Inc. v. City of New York*, 801 F. Supp. 2d 197 (S.D. NY 2011) The court went on to say that the law will alter the tenor of the pregnancy center's advertising by drowning their intended message in the City's preferred admonitions. The requirement that certain disclosures be made will significantly alter the manner in which the pregnancy centers approach these topics with their audience, mandating that they affirmatively espouse the government's position on a contested public issue where the differences in opinion are both real and substantive.

SB 490 also violates the Equal Protection rights of pro-life pregnancy centers by failing to regulate similar organizations with differing ideologies, such as abortion clinics or family planning organizations.

Vague and ambiguous language in SB 490 is problematic and raises Due Process concerns.

On a more practical level, SB 490 does not address any actual harm. I have provided a sample of the Request for Services form each of our patients completes. I draw your attention to the middle of the back page, where each woman initials that she knows we do not refer for or perform abortions. This is our intake form and is completed by every patient before we provide any services. This is standard practice for pregnancy centers in Oregon. Proponents of SB 490 claim that pregnancy centers endanger women's health by deception, coercion and/or delaying the decision to seek abortion. Yet these proponents refer patients to our services. You will notice on the front of the Request for Service form, at the bottom of the page, we ask how the patient heard about us. This patient, like many others, was referred by Planned Parenthood.

Let me tell you about two recent patients at Lane Pregnancy Support Center. One came to us after visiting Planned Parenthood. She had a positive pregnancy test and was offered an abortion on the spot. She told us she felt a bit bewildered and unready to make a decision so she came to us to talk. We ran a pregnancy test which showed that she was not, in fact, pregnant. She did not have a pregnancy-related decision to make. How did we endanger her health?

Another patient came to us to have an ultrasound so she would know her exact gestational age. She told us she needed the information to know exactly what type of abortion to have. She came back several weeks later because she had not started her period again as she expected to after her abortion. Our nurse was able to provide medical information and referral to a doctor, valuable follow-up services that weren't given her elsewhere. Again, I ask, where is the danger to women's health?

These two stories are only brief examples of the patients we see and the services we provide. 99% of our patients say they would refer their friends to us. Comments on exit surveys regularly say things like,

- "They were understanding of my critical timeframe without judging me in my situation."
- "I got all of my questions and concerns answered clearly. Thank you!"
- "I always feel comfortable and that my information is kept private and respected."
- "I enjoyed my visit. It was calming and I didn't feel judged."

In short, SB 490 is an ill-conceived measure which, if passed, would subject the State of Oregon to expensive legal challenges which established law indicates the state could not win. The only compelling interest behind the bill is Planned Parenthood's desire to stop pregnancy centers from voicing an opinion different from their own.

Please do not be enticed by the proponents of SB 490 into passing a law which is designed to limit women's choices by encumbering pregnancy centers. We provide valuable services to our communities at no taxpayer expense. We are not motivated by the profits we generate. Don't allow those who disagree with our opinion to put Oregon in the position of enforcing or defending their agenda. Thank you for your careful consideration of these issues.

Respectfully submitted,

Beverly Anderson, J.D.

Providing vital services in Oregon Communities

PREGNANCY CENTERS



Oregon's Nonprofit Pregnancy Resource Centers & Medical Clinics

- ... receive **NO** Federal or State support whatsoever.
- ... were 100% supported by more than 30,000 individuals and 1,100 businesses in the State of Oregon in 2012.
- ... in 2012 **served** over 15,000 women with **pregnancy tests, STD tests, and ultrasound exams** for free and *without taxpayer support saving the State of Oregon over \$2 Million* in health care costs.
- ... provided weekly **Parenting and Infant Support Services** to more than 10,000 woman and men—that's over \$3 Million worth of *free* social services!
- ... provide free ultrasound exams by licensed medical professionals under the direction and supervision of **licensed physicians**.
- ... provide each client with written descriptions of services upon check in and a free copy of her **personal health information** when it is requested.
- ... provide an environment for over 2500 **volunteers** to serve their communities for over 260,000 hours a year equating to more than \$4 Million dollars in labor.
- ... **collaborate** with local health care providers to coordinate vital prenatal medical services.
- ... provide caring support and quality service—over 99.4% of the Oregon women served in 2012 would **recommend** these services to a friend!

**JUST
THE
FACTS**

Oregon Pregnancy Resource Centers & Medical Clinics offer a vital safety net for women, children and families in local communities

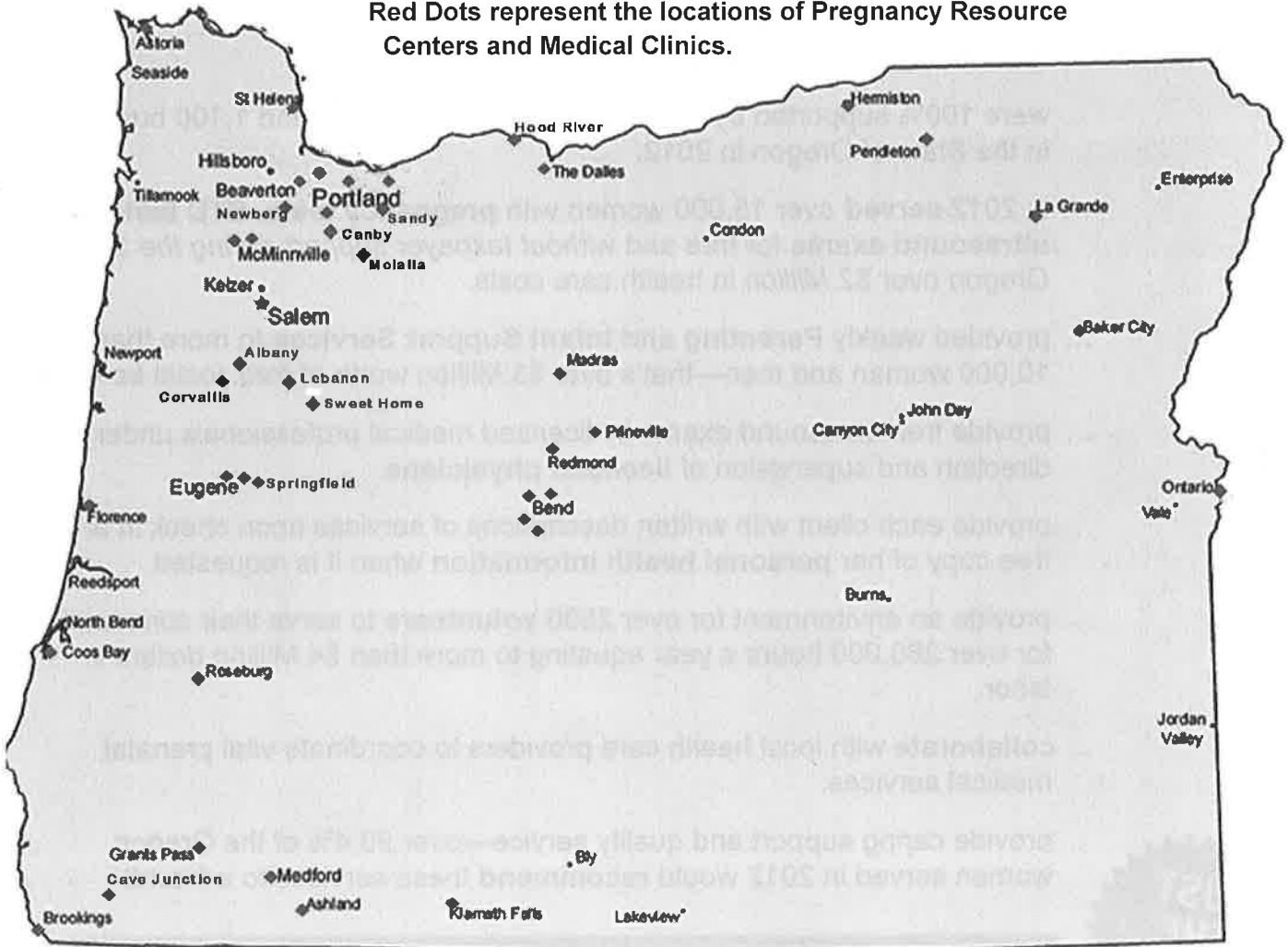
In today's economy, the safety net for women and children is being stretched thin in some areas and entirely eliminated in others, yet the needs increase! To fill the gap, women and families are seeking nonprofit charities, faith-based organizations, and local providers. More than ever, community-based services are being asked to step up.

Did You Know?
Oregon Social Services
and organizations who
refer women to Pregnancy
Resource Centers and
Medical Clinics for help

Department of Health Services
County Health Departments
Hospitals, Medical Clinics
Health Care Professionals
Other Service Organizations
School nurses, counselors, teachers...

County Court System, Lawyers
Local Law Enforcement
Salvation Army
Local Churches
WIC

Red Dots represent the locations of Pregnancy Resource Centers and Medical Clinics.



For more information...

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Senate Bill 490 ~ **VOTE NO!**

Preserve a Woman's Choice of Services



TALKING POINTS— SB 490

- ... is an unconstitutional infringement upon **free speech rights** because it compels pregnancy centers to say words they would not otherwise say and regulates speech NOT conduct.
- ... is overly broad and does not address any **documented problem** the state has a compelling interest in addressing.
- ... applies to all covered pregnancy centers regardless of **any wrongdoing**.
- ... violates due process principles because it does not adequately define the entities who are affected and it invites **arbitrary and discriminatory** enforcement.
- ... targets small community-based nonprofit organizations that do not receive any **state or federal funds**.
- ... is part of a national campaign that is based upon differences in ideology and uses **unsubstantiated accusations**.
- ... forces a business to list services they do not offer for the **first time in Oregon history**.
- ... requires “conspicuously placed” written notices that “a reasonable person is likely to read and understand”. These terms are unconstitutionally vague.
- ... requires that a notice be placed on any website maintained by the entity providing the services for any purpose if the services are even incidentally mentioned.
- ... requires that medical professionals to be paid for their services and **denies them the right** to voluntarily provide services in their community.
- ... increases state costs for OHA rule promulgation, compliance investigation, and enforcement with no demonstration that it addresses any harm to Oregon citizens.

For more information, contact:
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Larry Gadbaugh, CEO, Portland Resource Centers (503) 256-0808

**Oregon Pregnancy Resource Centers & Medical Clinics offer a vital safety net
for women, children and families in local communities**

REQUEST FOR SERVICES

Date 07/13 Patient ID # _____
Name: _____ DOB: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____ Gender: M / F Age: _____
Home Phone: _____ Cell Phone: _____
Do we have your permission to leave a voice message? Yes No _____
Email: _____
Please note that we will be contacting you for follow up services.
Have you been to this Pregnancy Center before? Yes No _____ When? _____
If yes, under what name: _____

Relationship Status:

- Divorced Living Together Separated
 Engaged Married Single

What is your living situation?

- Alone Fiancé Girlfriend Mother Shelter
 Boyfriend Foster Parents Grandparents Parents Spouse
 Father Friend Homeless Other: Roommate

What outside help are you receiving?

- Boyfriend Food Stamps Husband Parents Unemployment
 Child Support Friends Insurance SSI Disability WIC
 Church Employed OHP TANF Other _____

Are you currently a student? If yes, Yes / No

- Middle School High School Trade School College/University

Religious Preference:

Christian

How did you hear about us?

- Website Sign Walk-in
 DHS School Other: p/parent
 Doctor Return Client
 Friend/Relative Maternity Care Coordinator



After reading the statements below, please put your initials on each line.

_____ Lane Pregnancy Support Center (LPSC) is a medical clinic specializing in pregnancy diagnosis and decision making. Our medical services are provided under the direction and supervision of a licensed physician and implemented by licensed medical professionals.

_____ LPSC is a place where you can feel safe and be treated with respect at all times. All of our services are free of charge. All information you share is confidential and will not be disclosed except as required by law.

_____ We are not a substitute for professional counseling or follow up medical services with a Physician, including prenatal care.

_____ Our goal is to equip you by providing full and accurate information so that you can make an informed decision. Our Patient Peer Advocates may or may not be licensed personnel.

_____ Although we give referrals for medical care, professional counseling, and other community services, we assume no legal responsibility for services provided by other agencies or individuals; nor are the views of these organizations/individuals necessarily the views of LPSC.

_____ We are not an adoption agency nor are we affiliated with any adoption agencies.

_____ LPSC does not refer for or perform abortions.

_____ LPSC and its representatives do NOT consent to having any portion of the appointment recorded.

Following your appointment, an LPSC representative will contact you with additional information and support. By signing this form, you give permission for an LPSC Representative to contact you. If you fail to respond to our calls, we may be legally required to send you a certified letter to your preferred mailing address.

Please immediately turn off any electronic devices with recording capabilities.

I have read and understood the above and hereby authorize the staff of LPSC to render whatever services are necessary for my care.

Signature _____

3/13
Date _____

