

News From The States

REPRODUCTIVE RIGHTS TODAY

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By [Elisha Brown](#)



Mark Lee Dickson, right, and a high-profile Texas lawyer pitched anti-abortion ordinances to local officials across New Mexico. Dickson said enforcing a 19th century law could “shut down abortion in America.” (Chip Somodevilla/Getty Images)

An East Texas pastor who persuaded officials in New Mexico municipalities to pass anti-abortion ordinances said there's nothing unusual about his actions. “I know some people would probably perceive this as something scandalous, but in reality, this is quite normal,” **Mark Lee Dickson** told [Source New Mexico](#) on Monday.

Source independently verified and requested [public records](#) first obtained by the nonprofit Democracy Forward that confirm Dickson and **Jonathan Mitchell**, the former Texas solicitor general, encouraged local government officials to pass ordinances restricting abortion.

Often cited in the proposals is the **Comstock Act of 1873**, a federal law that banned the mailing of anything deemed “obscene, lewd or lascivious,” such as abortion pills. Some anti-abortion activists referenced the dormant statute following the U.S. Supreme Court’s reversal of *Roe v. Wade*.

Dickson declined to detail who is supporting the effort, which he sees as a gateway to ending abortion in the U.S. “The Lord takes care of all the behind the scenes,” he said.

Legal experts said Dickson and Mitchell’s strategy is unusual. “I’ve never heard of it before, and I believe I’ve kept track of this kind of municipal law for the last 50 years,” said Frank Coppler, a Santa Fe-based lawyer. Coppler is a contractor with [Edgewood](#), a town with an anti-abortion ordinance. He said he advised officials against working with Mitchell.

While local governments often hire third-party attorneys for consultations, University of New Mexico associate law professor Verónica Gonzales said **it’s uncommon for outside counsel to dictate proposals**. “It signals to me, as a lawyer, that those individuals are really trying to exert pressure and influence in this community,” she said.

The [New Mexico Supreme Court](#) is weighing the legality of the ordinances. In court documents on behalf of [Clovis](#) and [Hobbs](#), **Mitchell has argued that Comstock supersedes any state law protecting reproductive rights**. Congress weakened the statute’s limits on [contraception](#) in the 20th century, but it’s still in the federal code.

“Of course, we believe that (the Comstock statutes) are de facto abortion bans that are on our books here in America,” Dickson told Source. “And if they were truly enforced, we do believe they would shut down abortion in America.”

THE BEAT *States Newsroom coverage*

Maine ‘reproductive autonomy’ proposal would safeguard IVF, attorney general says



*Supporters of abortion rights packed the halls of the Maine State House on Jan. 22, 2024.
(Emma Davis/Maine Morning Star)*

A proposed abortion rights amendment before the Maine Legislature asks voters to secure “reproductive autonomy” in the state. “In my view, this would protect access to fertility treatments, including in vitro fertilization,” Democratic Attorney General **Aaron Frey** told [Maine Morning Star](#).

Last month, a Senate committee passed Majority Leader Eloise Vitelli’s resolution, which doesn’t explicitly mention IVF. **The proposal will need some Republican support to make the ballot this fall.**

Lawmakers recently amended the measure to allow government intervention for a compelling reason if “the limited purpose of protecting the health of the person seeking care, is consistent with accepted clinical standards of practice and evidence-based medicine and does not infringe on that person’s autonomous decision making.”

Frey’s comment followed a national backlash after an Alabama Supreme Court ruling in February that declared frozen embryos as “children.”. The decision resulted in clinics suspending IVF services. Legislative committees have approved bills to give immunity to providers that could allow for services to restart, the [Alabama Reflector](#) reported.

Meanwhile, legislators heard hours of testimony Tuesday for a last-minute bill that would [shield](#) reproductive health and gender-affirming care providers and patients from out-of-state prosecution. Democratic state Rep. Anne Perry, the bill’s sponsor, said the protection is necessary. “This bill reinforces the fact that Mainers have control over their own bodies and health care decisions,” Perry said.

Ohio abortion clinics ask court to permanently strike down six-week ban

Planned Parenthood affiliates and independent abortion clinics in Ohio asked a county court to declare the six-week ban unconstitutional. Lawyers for the clinics said the law should be struck down in light of the **reproductive rights amendment** 57% of voters approved last fall, [Ohio Capital Journal](#) reported.

“The Ohio Constitution is clear: there is an express fundamental right to make and carry out one’s own reproductive decisions, including the decision to have an abortion,” lawyers wrote on behalf of the plaintiffs. They also noted that Republican Attorney General **Dave Yost** has acknowledged the six-week ban is unconstitutional. Yost, who represents the state, asked the court to [dismiss](#) the lawsuit last month.

Nebraska high court hears arguments about abortion, gender-affirming care restrictions

The Nebraska Supreme Court heard arguments Tuesday in a lawsuit over **legislation that bans abortion after 12 weeks of pregnancy and restricts gender-affirming care for minors**. Planned Parenthood appealed a lower court decision that said it was legal for lawmakers to combine two measures into one, [Nebraska Examiner](#) reported.

At issue is whether the Nebraska Legislature violated a state constitutional rule that requires each bill to address a single subject. Lawyers for Planned Parenthood urged the court to decide that the law contained two subjects — lawmakers combined two bills after they failed to pass a six-week abortion ban last year. The state’s attorney said the issue is beyond the court’s authority, and justices should give the legislature power to regulate itself on the rule.

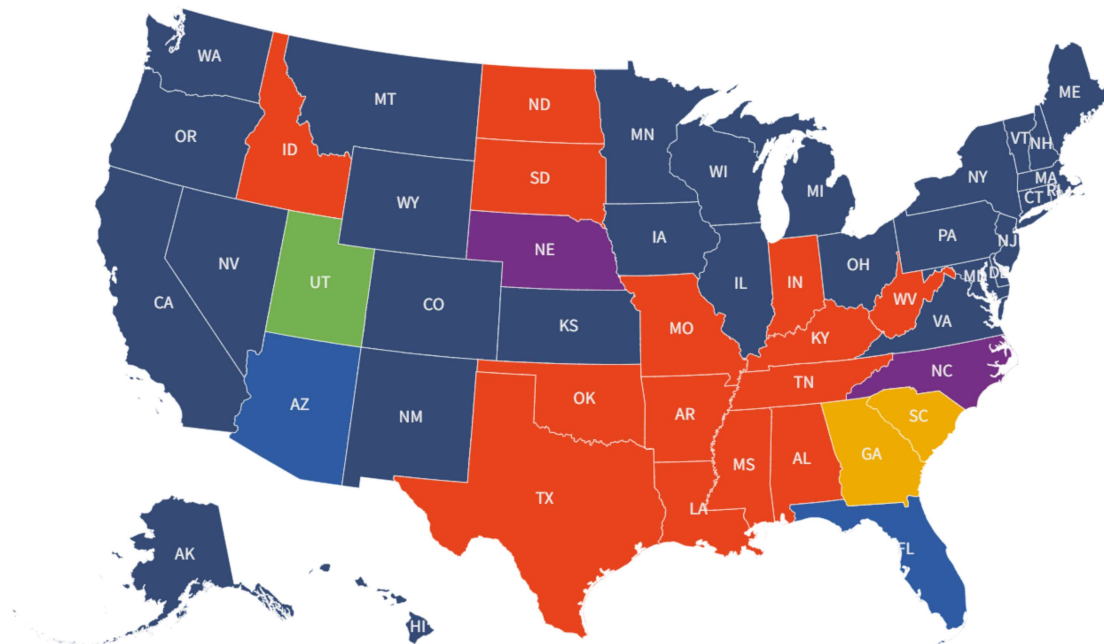
THE PULL *Commentary from Alabama*

“The Alabama Supreme Court’s decision to effectively end IVF treatments in the state depended on a 2018 constitutional amendment, approved by the Legislature the previous year, declaring that the ‘public policy’ of the state was protecting unborn life. Ahead of the election on the amendment, supporters [downplayed its impact](#), claiming it was just a statement of values, even as abortion rights groups warned that the measure would have dire consequences should *Roe v. Wade* fall.” — **Brian Lyman**, editor-in-chief, [Alabama Reflector](#)

THE PULSE *Reproductive rights news across the country*

- Alabama lawmakers are quickly advancing protective IVF legislation; final votes could come today. ([Alabama Reflector](#))
- Kansas reproductive rights advocates lobbied at the statehouse Tuesday in protest of 10 anti-abortion bills Republicans introduced this year. ([Kansas Reflector](#))
- Louisiana Democrats filed legislation that would guarantee access to contraception. ([Louisiana Illuminator](#))
- Idaho House lawmakers advanced a bill that could expand postpartum Medicaid coverage from two months to a year. ([Idaho Capital Sun](#))
- The Department of Veterans Affairs finalized a policy that allows VA hospitals and clinics to provide abortions in certain circumstances. ([Stars and Stripes](#))
- Many states where abortion is legal have laws that let hospitals refuse care based on religious grounds. ([KFF Health News](#))
- Rates of syphilis, which can kill newborns, are skyrocketing: Doctors, clinicians and public health officials say the federal government should do more to rein in the crisis. ([ProPublica](#))

STATE BY STATE *Abortion access in the U.S.*



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