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## **Court voids Baltimore law requiring 'no abortion' disclaimers at clinics**

By Jonathan Stempel

Jan 5 (Reuters) - A federal appeals court on Friday declared unconstitutional a Baltimore law requiring pregnancy clinics that do not offer or refer women for abortions to post signs disclosing that fact in their waiting rooms.

The 4th U.S. Circuit Court of Appeals ruled 3-0 that the law violated the First Amendment free speech rights of the Greater Baltimore Center for Pregnancy Concerns, a Christian nonprofit that provides prenatal services and counsels women on abortion alternatives.

Maryland's largest city argued that its 2009 law was meant to address deceptive advertising and reduce the potential health risks from waiting too long to have an abortion.

Circuit Judge J. Harvie Wilkinson III, however, wrote for the Richmond, Virginia-based appeals court that Baltimore's approach amounted to "too loose a fit" with those ends.

"The ordinance forces the center to utter in its own waiting room words at odds with its foundational beliefs and with the principles of those who have given their working lives to it," he wrote. "Without proving the inefficacy of less restrictive alternatives, providing concrete evidence of deception, or more precisely targeting its regulation, the city cannot prevail."

Leana Wen, Baltimore's health commissioner and one of the defendants in the lawsuit, was not immediately available to comment on the city's behalf.

David Kinkopf, a lawyer for the clinic, said he was pleased that the court "strongly upheld the First Amendment rights of religious and other nonprofit charities to speak and to serve those in need in the manner their conscience dictates, without undue government interference."

Friday's decision upheld an October 2016 ruling by U.S. District Judge Marvin Garbis in Baltimore.

The lawsuit is one of a handful of similar U.S. cases, and generated dozens of court submissions from abortion rights, anti-abortion and religious freedom advocates.

Ten U.S. states with Republican attorneys general supported the clinic.

In another case, the U.S. Supreme Court is expected to decide by June whether California violates the free speech rights of private "crisis pregnancy centers" opposed to abortion by requiring signs about how to obtain state-sponsored services including abortion and contraception.

California Attorney General Xavier Becerra, a Democrat, has said the law is meant to help inform women about their options.

The California law was upheld in October 2016 by the federal appeals court in San Francisco.

Wilkinson distinguished it by calling the disclaimer "markedly different" from Baltimore's, and saying a separate requirement that unlicensed clinics disclose their lack of licensing does not mention abortion.

The case is Greater Baltimore Center for Pregnancy Concerns Inc v Mayor and City Council of Baltimore et al, 4th U.S. Circuit Court of Appeals, No. 16-2325. (Reporting by Jonathan Stempel in New York; Editing by Jonathan Oatis)

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