Morgan Lewis



Legal Compliance Issues in a Post-Dobbs World: Employer,

Fiduciary, and Other Nonprofit Considerations in an Evolving Legal Landscape

E. Pierce Blue - Morgan Lewis Christina N. Cahill - Polsinelli

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Agenda

- Post-Dobbs Legal Landscape
- Anti-Discrimination and Other Employment Issues
- Board Considerations
- Impact on Federal and Local Tax Exemption
- Indemnification

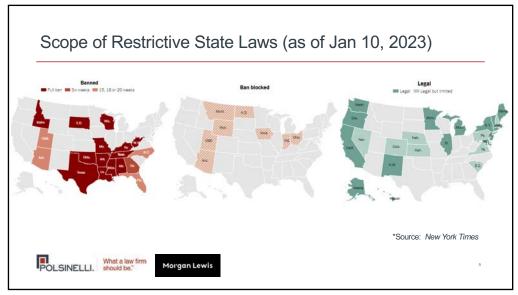




Overview of the Dobbs Decision

- Dobbs v. Jackson Women's Health Organization challenged 2018 Mississippi law that banned virtually all abortion after 15th week of pregnancy
- **-HOLDING:** The Constitution does not expressly or implicitly protect the right to choose abortion and leaves it to the states to regulate
- •Laws regulating abortion are entitled to a "strong presumption of validity" and will be upheld unless there is no "rational basis on which the legislature could have thought [the law] would serve legitimate state
- •Roe v. Wade; Planned Parenthood of Southeastern Pennsylvania, etc. overturned
- PRACTICAL RESULT: States allowed to ban abortion, trigger laws and pre-Roe statutes in effect, <u>rapidly shifting legal landscape</u>





Scope of Restrictive State Laws (as of Jan 10, 2023), con't

- Access Restrictions:
 - 25 states have laws that restrict access to abortion prior to viability
- 16 states have criminal laws that prohibit nearly all abortion (4 currently subject to injunctions)
- 3 states have criminal laws that prohibit abortion after the detection of a fetal heartbeat (6 weeks) (2 currently subject to injunctions)
- 2 states prohibit abortion after 15 weeks
- 4 states prohibit abortion after 20 weeks, one of which is currently subject to an injunction.
- · Several states have multiple prohibitions (e.g., a trigger law that prohibits all abortions and a higher threshold based on the gestational age of the fetus)
- Civil Laws: Oklahoma and Texas allow a range of private citizens to file suits to enforce violations and recover civil penalties







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