

No. ___, Original

IN THE
Supreme Court of the United States

STATE OF LOUISIANA; STATE OF ARKANSAS;
AND STATE OF ALABAMA,
Plaintiffs,

v.

STATE OF NEW YORK; COMMONWEALTH OF
MASSACHUSETTS; AND STATE OF CALIFORNIA,
Defendants.

**MOTION FOR LEAVE TO FILE BILL OF
COMPLAINT, BILL OF COMPLAINT,
BRIEF IN SUPPORT**

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TABLE OF CONTENTS

1. Motion for Leave to File Bill of Complaint
2. Bill of Complaint
3. Brief in Support of Motion for Leave to File Bill of Complaint

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**MOTION FOR LEAVE TO
FILE BILL OF COMPLAINT**

Plaintiffs State of Louisiana, State of Arkansas,
and State of Alabama respectfully move this Court for
leave to file the accompanying Bill of Complaint. For
the reasons more fully stated in the accompanying
Brief in Support, the Motion for Leave to File a Bill of
Complaint should be granted.

Respectfully submitted,

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BILL OF COMPLAINT

Plaintiffs State of Louisiana, State of Arkansas, and State of Alabama bring this action against Defendants State of New York, Commonwealth of Massachusetts, and State of California, and for their causes of action assert the following:

NATURE OF THE ACTION

1. This case arises from one of the most serious interstate aggressions in our Nation’s history, violating, among other things, the “fundamental principle of equal sovereignty” among the states, *Shelby County v. Holder*, 570 U.S. 529, 544 (2013), and “the Constitution’s horizontal separation of powers,” *Nat’l Pork Producers Council v. Ross*, 598 U.S. 356, 376 n.1 (2023).

2. In *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), this Court “heed[ed] the Constitution and return[ed] the issue of abortion to the people’s elected representatives.” *Id.* at 232. States

that favor abortion are thus free to deregulate as they see fit, and pro-life states are just as free to regulate as they see fit.

3. After *Dobbs*, however, pro-abortion states immediately began to enact so-called telehealth “shield laws” aimed at facilitating abortion in pro-life states that have restricted or banned abortion.

4. Telehealth shield laws attempt to immunize health care providers, pharmacies, and other actors that illegally dispense abortion drugs into pro-life states from both liability in those states and professional repercussions in shield-law states.

5. Among other provisions, telehealth shield laws commonly allow anonymous or nearly anonymous mailing of abortion drugs; bar extradition; forbid public officials and private entities from cooperating with out-of-state law enforcement; refuse to recognize out-of-state judgments; bar disclosure of abortion data from prescription-drug monitoring programs; forbid professional discipline based on the prescription and mailing of abortion drugs out-of-state; and bar the termination or denial of insurance coverage for the same conduct. Some even create private rights of action for ruinous liability against anyone who files a lawsuit challenging this illegal conduct.

6. The power of a state’s shield law rests not in any one provision within that law but in the combined effect of all its provisions, which attempt to predict—and eliminate—all legal or professional problems a shield-law state resident might otherwise face for violating pro-life states’ laws. By embedding such provisions throughout their legal codes, shield-law states seek to assure their residents that they may, in fact, violate pro-life states’ laws without any fear of repercussions.

7. And that is the avowed purpose of the shield laws: to facilitate abortions not in *shield-law states* but in *pro-life states*. For that reason, “shield laws” are not shields at all—they are swords disguised as shields and driven into pro-life states.

8. As New York Governor Kathy Hochul has explained them, shield laws “protect [those] who prescribe and send abortion pills to patients in states where abortion is outlawed.”¹ “[T]hey can’t stop us, they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back.”² The New York shield law’s sponsors agreed: “It feels great to do something positive in the wake of *Dobbs*. Today, we are rejecting the decision, and the thinking behind that decision.” And New York’s shield law “will provide more relief to hundreds of thousands of vulnerable women in ... hostile states throughout the country.”³

9. Predictably, organizations, prescribers, and pharmacies in shield-law states—emboldened by the promise of protection—have seized the opportunity to illegally mail abortion drugs into pro-life states with impunity. They do so openly through websites advertising the sale and shipment of abortion drugs in pro-life states.

10. They are just as open about their “scheme to undermine [this Court’s] decision in *Dobbs*.” *Danco*

¹ New York State, *On Eve of Dobbs Decision Anniversary, Governor Hochul Signs Legislation Strengthening Access to Reproductive Health Care*, at 14:00-20 (June 23, 2023), perma.cc/H426-VEX7 (“2023 Signing Ceremony”) (video embedded).

² *Id.* at 13:46-58.

³ *Id.* at 23:15-25, 24:30-38.

Lab'ys, LLC v. Louisiana, 146 S. Ct. 1192, 1193 (2026) (Alito, J., dissenting). Said one member of The Massachusetts Medication Abortion Access Project, which operates under Massachusetts' shield law and mails abortion drugs into Plaintiff States: "It made me so happy ... when [Justice Alito] wrote, 'They're undermining *Dobbs*.' I was like, *yeah, exactly*."⁴

11. The results are striking. According to one report, Louisiana is experiencing approximately 1,000 abortions a month despite Louisiana's abortion ban; Arkansas is experiencing approximately 300 every month; and Alabama is experiencing approximately 700 every month.⁵ According to the same report, each abortion results from out-of-state drugs.

12. Today, Plaintiff States filed a lawsuit against as many organizations and individuals as they have been able to identify notwithstanding the shield laws intended to thwart such litigation. *See Louisiana v. Nouhavandi*, No. 2:26-cv-3836 (W.D. La.). To fully obtain relief, however, they must also eliminate other contributing causes for the harm that they are suffering, including, as relevant here, the shield laws.

13. Accordingly, this lawsuit seeks a judgment declaring that the shield laws of three representative states—New York, Massachusetts, and California—violate the Full Faith and Credit Clause, U.S. Const. art. IV, § 1; the equal-sovereignty doctrine, *Shelby County*, 570 U.S. at 544; the federal common law of public

⁴ Nina Martin, *She's Remaking the Abortion Landscape One Pill at a Time*, Mother Jones (July 31, 2026), perma.cc/E8AJ-N8P6 ("*One Pill at a Time*").

⁵ Society of Family Planning, #WeCount Report April 2022 to December 2025 (June 10, 2026), perma.cc/YCM5-CH6X (select Louisiana, Arkansas, and Alabama).

nuisance; and the “dormant Commerce Clause,” *Nat’l Pork Producers Council*, 598 U.S. at 368–71 (citing U.S. Const. art. I, § 8, cl. 3). Plaintiff States likewise request an injunction preventing Defendants’ officials from enforcing those laws.

14. This lawsuit also seeks to restore the promise of *Dobbs*—and to vindicate this Court’s authority to say what the law is. *Dobbs* is no more than a parchment promise if shield-law states can defy this Court by unilaterally decreeing that abortions must flourish in pro-life states.

15. Where *Dobbs* envisioned a world that “allow[s] each State to regulate abortion as its citizens wish,” 597 U.S. at 230, Massachusetts, California, and New York have claimed the right to make abortion policy—their abortion policy—for the entire Nation by overriding democratically enacted laws in pro-life states like Louisiana, Arkansas, and Alabama.

16. This is not the promise of *Dobbs*—and it is a direct affront to this Court as an institution and an attack on our constitutional structure, *see supra* ¶ 13. The Court’s exercise of its original jurisdiction is warranted.

JURISDICTION

17. The Court has original jurisdiction over this suit under Article III, § 2, cl. 2 of the Constitution of the United States and 28 U.S.C. § 1251(a).

STATEMENT

I. Plaintiff States Prohibit Abortion Within Their Borders After *Dobbs*.

18. In 2022, this Court “heed[ed] the Constitution and return[ed] the issue of abortion to the people’s elected representatives.” *Dobbs*, 597 U.S. at 232. When it did so, the Court anticipated that “the people of the various States” may react “differently” to the Court’s decision: Voters in some states may favor “more extensive” abortion protections, while voters in other states “may wish to impose tight restrictions based on their belief that abortion destroys an ‘unborn human being.’” *Id.* at 256. The Court was right.

19. Following *Dobbs*, Plaintiff States, among other pro-life states, generally prohibited abortion with narrow exceptions. Those prohibitions lie at the core of this case.

20. Each Plaintiff State treats an unborn baby as fully human from the moment of conception. *See* La. R.S. §§ 14:2(A)(11), 22:1014(A)(4); Ark. Const. amend. 68, § 2; Ark. Code § 20-16-1503(6); Ala. Const. art. I, § 36.06(b); Ala. Code § 26-23H-3(7). Each Plaintiff State generally prohibits the abortion of an unborn baby except to save the life of the mother. *See* La. R.S. § 40:1061(C), (F); Ark. Code §§ 5-61-304(a), 5-61-404(a); Ala. Code § 26-23H-4(a), (b).

21. Each Plaintiff State extends its abortion prohibition to the use of abortion drugs to terminate a pregnancy. Each Plaintiff State proscribes the sale and prescription of abortion drugs. *See* La. R.S. §§ 14:87.9(A), 40:1061(C); Ark. Code §§ 5-61-303(1)(A), 5-61-403(1)(A); Ala. Code §§ 26-23H-3(1), 13A-13-7. In the narrow circumstances where abortion is

permissible, it is a crime to dispense abortion drugs without an in-person examination by a state-licensed physician. *See* La. R.S. §§ 1061.1.5(A), 1061.10; Ark. Code § 20-16-1504(c); Ala. Code § 26-23E-7. And any administration of such drugs must be carried out in-person with the prescribing physician. *See, e.g.*, La. R.S. § 40:1061.11(A); Ark. Code § 20-16-603(b)(1).

22. In parallel with these prohibitions, Louisiana and Arkansas expressly prohibit the mailing of abortion drugs within the state, including those arising out of internet sales. *See* La. R.S. § 962.2(A), (B); Ark. Code § 20-16-1504(b). Louisiana and Alabama also criminally prohibit abortion advertising, *i.e.*, “the placing and carrying of any advertisement of abortion services by the publicizing of the availability of abortion services.” La. R.S. § 14:87.4(A); *see* Ala. Code § 13A-4-1(a)(1).

II. Defendant States Adopt Shield Laws Aimed at Facilitating Abortion in Plaintiff States.

23. As the Court anticipated, other states—including Massachusetts, California, and New York—had different reactions to *Dobbs*. “I am pissed,” said California Governor Gavin Newsom.⁶ “This decision is a grave injustice,” said New York Governor Kathy

⁶ Io Dodds, *California enacts bill to shield abortion providers and patients from red state bans*, Independent (June 27, 2022), perma.cc/9NG5-QCQK.

Hochul.⁷ Former Massachusetts Governor Charlie Baker added that he was “deeply disappointed.”⁸

24. Such states, of course, are entitled to their opinions—and to their sovereign prerogatives to regulate abortion as they see fit within their borders.⁹ But what they did over the next four years in response to *Dobbs* is blatantly unlawful.

25. Beginning during the COVID-19 pandemic—and then permanently in January 2023—the Biden Administration eliminated a longstanding in-person dispensing requirement for the abortion drug mifepristone as approved by the U.S. Food and Drug Administration (FDA). That agency action is the subject of pending litigation in *Louisiana v. FDA*, No. 26-30203 (5th Cir.), which this Court already has seen in a stay posture.¹⁰ *See Danco Lab’s, LLC*, 146 S. Ct. 1192.

⁷ New York State, *Statement from Governor Hochul on Supreme Court’s Ruling in Dobbs V. Jackson* (June 24, 2022), perma.cc/QG4A-HGEU.

⁸ *Abortion access is protected in Massachusetts despite overturning of Roe v. Wade*, CBS News (June 24, 2022), perma.cc/RU2B-JNC7.

⁹ This lawsuit thus does not address the issue of non-New York, Massachusetts, and California residents who travel to those states to receive an abortion. *See Dobbs*, 597 U.S. at 346 (Kavanaugh, J., concurring).

¹⁰ Every major mail-order, abortion-drug provider in the United States today uses FDA-approved mifepristone because of the Biden Administration’s removal of the in-person dispensing requirement. If and when Louisiana succeeds in its challenge to that agency action, however, Louisiana anticipates that mail-order providers may shift to either non-FDA-approved mifepristone or other tactics altogether (such as shipments containing only a related drug, misoprostol). *See Martin, One Pill at a Time*, *supra* n.4 (mail-order provider issuing such a threat).

26. The Biden Administration’s action opened the door to a broad-scale, mail-order abortion scheme that would allow organizations, prescribers, and pharmacies in pro-abortion states to prescribe and mail abortion drugs into pro-life states. The problem with that scheme is that it would plainly subject the out-of-state actors to civil and criminal liability in pro-life states and expose them to professional repercussions in their own states. That is why shield laws exist.

27. In basic terms, a shield law attempts to protect (from liability in pro-life states and professional repercussions in shield-law states) a doctor in, say, Massachusetts who wishes to engage in “telemedicine” by prescribing and shipping abortion drugs into a pro-life state that bans abortion.

28. According to their proponents, “[s]hield laws are designed to thwart the near-total abortion bans and other restrictions that have proliferated in red states since the 2022 *Dobbs* decision.”¹¹ Or, as a representative of the Center for Reproductive Rights (and the legal director of the Abortion Coalition for Telemedicine) put it: “Anti-abortion extremists thought ‘we’re going to overturn *Roe*, we’re going to ban abortion’ Because of shield laws and telehealth providers, that’s not the case—and they’re furious.”¹²

29. Although shield laws take different forms across various pro-abortion states, the shield laws

That is why this suit is critical: to cut off another essential reason for the current flood of abortion drugs into Plaintiff States, the shield laws.

¹¹ Nina Martin, *How Blue States Got Around the GOP’s Efforts to Ban Abortion in Red States*, Mother Jones (Mar. 17, 2026), perma.cc/PE5Y-YR33 (“*Blue States*”).

¹² *Id.*

adopted by New York, Massachusetts, and California and challenged in this case are a representative cross-section.

30. In the paragraphs below, Plaintiff States explain individual pieces of these shield laws at length—not because any one piece is critical to this case but because the sheer number of statutory provisions scattered throughout Defendants’ legal codes is what gives the shield laws force. By touching—and trying to eliminate—virtually every legal and professional problem that a provider would otherwise face for illegally prescribing and mailing abortion drugs into pro-life states, the shield laws have convinced residents of New York, Massachusetts, and California that they can violate Plaintiff States’ laws without fear of legal or professional repercussions.

A. New York’s Shield Law.

31. Start with New York. In response to *Dobbs*, Governor Kathy Hochul signed three waves of legislation regarding abortion, the latter two of which comprise New York’s “telehealth shield law.”¹³ While her initial package was generally limited to abortions in New York,¹⁴ her second and third waves of legislation had nothing to do with abortions in New York.

¹³ New York State, *Protecting Reproductive Freedom: Governor Hochul Signs Legislation Affirming New York’s Status as a Safe Haven for Reproductive Health Care* (Feb. 3, 2025), perma.cc/QN8R-4WEL (“2025 Signing Ceremony”) (video embedded).

¹⁴ New York State, *Governor Hochul Signs Nation-Leading Legislative Package to Protect Abortion and Reproductive Rights for All* (June 13, 2022), perma.cc/W5DC-RFP7.

32. In 2023, Governor Hochul issued a press release announcing that her second piece of *Dobbs*-related legislation “expands the current law to ensure doctors, medical providers, and facilitators in the state are able to provide telehealth services to patients outside of New York without fear of litigation in states where abortion services are outlawed or restricted.”¹⁵ She criticized “a shameful regression of women’s rights in this country as abortion access is restricted in states across the nation.”¹⁶ And she stated that her shield-law package would “ensur[e] our health care providers can deliver telehealth services to out-of-state patients without fear of legal or professional repercussions.”¹⁷

33. “New York is continuing to fight back against restrictive abortion laws,” her press release concluded, and that meant ensuring that New Yorkers can “use telehealth services to prescribe medication abortion ... to people in states with restrictive abortion laws.”¹⁸

34. At a signing ceremony, Governor Hochul stated that she was “really proud to be able to sign ... the new shield law, to protect New Yorkers who prescribe and send abortion pills to patients in states where abortion is outlawed.”¹⁹ She criticized “extremists, lawmakers in other states”—and she proclaimed that “they can’t stop us, they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back.”²⁰

¹⁵ *2023 Signing Ceremony, supra* n.1.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 14:03-20.

²⁰ *Id.* at 13:35-58.

35. The sponsors of the shield law echoed that sentiment: “We are taking the offense, we are going to bring the fight ... using these extraordinary women practitioners in New York who are courageous enough to engage in telemedicine and prescribe abortion medication to women outside of New York.”²¹ “Today, we are rejecting the [*Dobbs*] decision, and the thinking behind that decision.”²²

36. Governor Hochul was flanked at that ceremony by two New York doctors named Margaret Carpenter and Linda Prine. According to Governor Hochul, Carpenter and Prine told her, “Governor, the second you sign this legislation, we’re gonna start prescribing these pills.”²³ Prine subsequently confirmed to the audience that “we’re going to mail pills across state lines We can mail pills in two or three days once this legislation is signed, and will we do that.”²⁴ So Governor Hochul signed it.

37. In 2025, New York and Governor Hochul amended New York’s shield law through a third legislative package, in response to what they viewed as their failure to adequately shield Margaret Carpenter, who stood behind Governor Hochul at the 2023 signing ceremony.

38. Their problem arose in Louisiana. Louisiana discovered that Carpenter was responsible for prescribing and mailing abortion drugs into Louisiana for a pregnant teenage girl whose mother coerced her to take them. Paramedics found the young girl in a pool of blood on a bathroom floor holding her aborted baby

²¹ *Id.* at 20:40-59.

²² *Id.* at 23:20-26.

²³ *Id.* at 15:40-16:45.

²⁴ *Id.* at 29:15-30:20.

and crying hysterically. Her pain on a scale of 1-to-10, she reported, was 1,000.

39. A Louisiana grand jury thereafter indicted Carpenter for violating Louisiana’s abortion laws—and Louisiana issued an extradition request to Governor Hochul. Pursuant to New York’s shield law, Governor Hochul said “there’s no way in hell” that she would extradite Carpenter,²⁵ and she issued “a law enforcement notice that certain out-of-state warrants are not enforceable in the State of New York.”²⁶

40. Governor Hochul also took the opportunity to amend New York’s shield law to thwart pro-life states’ ability to identify the prescribers responsible for illegally mailing abortion drugs into their states. “You know how they found [Carpenter]?” Governor Hochul asked at yet another signing ceremony.²⁷ Her name “was on the prescription bottle.” “After today, that will no longer happen,” she pledged in signing an amendment that now exempts those prescribing abortion drugs from the general New York law requiring providers’ names to appear on the drug label.²⁸

41. In summing up New York’s shield-law efforts, Governor Hochul left no doubt about New York’s singular purpose of facilitating abortions in pro-life states. She described New York’s 2023 telehealth shield law as “designed to provide extensive protection for New York-based doctors serving patients in those

²⁵ *2025 Signing Ceremony*, *supra* n.13, at 6:55-7:06.

²⁶ New York State, *Video, Audio, Photos & Rush Transcript: Governor Hochul Makes a Reproductive Freedom Announcement* (Feb. 13, 2025), perma.cc/W5FT-AE9J.

²⁷ *2025 Signing Ceremony*, *supra* n.13, at 7:32-40.

²⁸ *Id.* at 7:43-8:15.

restrictive states through telehealth.”²⁹ She then characterized New York’s 2025 amended shield law as “offering additional protections for doctors prescribing medications used to perform abortions to patients in hostile states.”³⁰ “Thanks to New York’s shield law,” she said, “providers in the State can provide medication used to treat abortion to patients in hostile states”³¹

42. The Center for Reproductive Rights, which “assist[ed]” in drafting New York’s shield law, agreed that the law “makes it more difficult for hostile states to target New York doctors serving patients in states lacking access to abortion care.”³² And that is by design: “Legal protections like [these] ensure telehealth providers continue to reach pregnant [women] in the 16 states currently enforcing abortion bans”³³

43. As it exists today, New York’s telehealth shield law includes special provisions keyed to “legally protected health activity,” which is defined to cover providers physically present in New York while dispensing abortion drugs out-of-state. *See* N.Y. Crim. Proc. Law § 570.17(1)(a), (c).³⁴ And those provisions are embedded all over New York law, including:

²⁹ *2025 Signing Ceremony*, *supra* n.13.

³⁰ *Id.*

³¹ *Id.*

³² *New York’s Strengthened Shield Law Will Further Protect Doctors Prescribing Abortion Medication*, Ctr. for Reproductive Rights (Feb. 6, 2025), perma.cc/78PU-MAZP.

³³ *Id.*

³⁴ The term also is statutorily defined to include “gender-affirming care.” *See* N.Y. Crim. Proc. Law § 570.17(1)(b), (c). For purposes of this suit, Plaintiff States focus only on the shield law insofar as it covers conduct surrounding the prescription and mailing of abortion drugs out-of-state.

- An exemption only for the prescribers of abortion drugs from New York’s general rule that a drug label must bear the prescriber’s name. *See* N.Y. Educ. Law §§ 6807(1)(b), (b-1), 6810(1), (1-a).
- A bar on the extradition of individuals who illegally prescribe and mail abortion drugs from New York into pro-life states. *See* N.Y. Crim. Proc. Law § 570.17(2).
- A bar on any state or local government employee or entity (or any of their agents) cooperating with any out-of-state law enforcement investigation into the prescription and mailing of abortion drugs—while exempting any intra-state investigation regarding the same conduct and any out-of-state investigation not involving abortion. *See* N.Y. Exec. Law § 837-x(2).
- A bar on any police officer arresting an individual for prescribing and mailing abortion drugs out-of-state. *See* N.Y. Crim. Proc. Law § 140.10(3-a).
- A bar on New York courts, clerks, and attorneys issuing any subpoena in connection with an out-of-state proceeding relating to abortion drugs prescribed and mailed out-of-state—while exempting subpoenas in connection with an out-of-state proceeding not relating to abortion. N.Y. Civ. Prac. Law & R. § 3119(g).
- A bar on New York courts compelling depositions in connection with an out-of-state proceeding relating to abortion drugs prescribed and mailed out-of-state—while exempting

depositions in connection with an out-of-state proceeding not relating to abortion. *Id.* § 3102(e).

- A bar on the admissibility of any evidence that a provider prescribed and mailed abortion drugs “to persons not physically present in this state” “as evidence that such party has engaged in any wrongdoing, whether civil, criminal, professional, or otherwise.” *Id.* § 4550.
- A bar on any medical-malpractice insurer of a New York provider “taking any adverse action” against the provider solely because they prescribed and mailed abortion drugs “out-of-state.” N.Y. Ins. Law § 3436-a(a).
- An exemption from professional-misconduct liability for health care practitioners where liability is based “solely” on their prescription and mailing of abortion drugs out-of-state. N.Y. Educ. Law § 6531-b(2).

B. Massachusetts’ Shield Law.

44. The story behind the Massachusetts shield law is materially similar.

45. Two days after *Dobbs*, former Massachusetts Governor Charlie Baker issued an executive order condemning *Dobbs*’ “major consequences for women across the country who live in states with limited access to reproductive health care services”—and pledging to “protect reproductive health care providers who serve out of state residents.”³⁵

³⁵ Michael P. Norton, *Baker signs executive order to shield Mass. abortion providers from lawsuits*, GBH (June 24, 2022), perma.cc/DSV5-WGA4.

46. A month later, he codified that pledge in Massachusetts’ shield law, which purports to protect “providers from legal interference from more restrictive laws in other states.”³⁶ Media reports claimed that drafters worked “closely” with then-Massachusetts Attorney General Maura Healey to build a shield law that would “withstand a likely constitutional challenge from anti-abortion forces.”³⁷ And Linda Prine—who would later speak at Governor Hochul’s 2023 signing ceremony—remarked, “The Massachusetts shield law is a huge breakthrough for getting pills to women in restricted states.”³⁸

47. Unlike New York, which waited a year after *Dobbs* to target the prescription and mailing of abortion drugs out-of-state, Massachusetts immediately targeted such alleged “telemedicine” through its July 2022 shield law. In 2025, now-Governor Maura Healey signed into law amendments intended to make the shield law “even stronger.”³⁹ And by all accounts, the Massachusetts shield law contains some of the most sweeping provisions in the country.

48. A supporting organization, Reproductive Equity Now, has emphasized that “Massachusetts’ shield

³⁶ Alison Kuznitz, *Massachusetts abortion protections bill, shielding providers and patients, signed into law by Gov. Charlie Baker* (July 29, 2022), perma.cc/6MZ4-VX7G.

³⁷ Carrie N. Baker, *Groundbreaking Massachusetts Law Protects Telemedicine Abortion Providers Serving Patients Located in States Banning Abortion*, *Ms. Magazine* (Aug. 18, 2022), perma.cc/65K6-ZXPL.

³⁸ *Id.*

³⁹ Ryan Adamczeski, *Massachusetts lesbian Gov. Maura Healey signs abortion and gender-affirming care shield law*, *Advocate* (Aug. 8, 2025), perma.cc/TY28-F5XU.

law protections have safeguarded providers in the Commonwealth while ensuring that patients in banned or restricted states can continue to access essential healthcare.”⁴⁰

49. The current version of Massachusetts’ shield law is like New York’s in many ways. It is keyed to “legally-protected health care activity,” defined to include prescribing and mailing drugs out-of-state. *See* Mass. Gen. Laws ch. 12, § 111 1/2(a).⁴¹ And it embeds numerous familiar provisions all throughout the Massachusetts General Laws, including:

- An exemption for providers of abortion drugs from Massachusetts’ general rule that the name of a provider who prescribes controlled substances must appear on the drug label. *See* Mass. Gen. Laws ch. 94C, §§ 21, 22(d).
- A bar on the extradition of a Massachusetts provider who illegally prescribed and mailed abortion drugs into a pro-life state. *See* Mass. Gen. Laws ch. 276, § 13.
- A bar on Massachusetts public officials cooperating with any out-of-state investigation regarding abortion drugs prescribed and mailed out-of-state so long as such conduct would be lawful if it had “occurred entirely in the commonwealth.” *See* Mass. Gen. Laws ch. 12, § 111 1/2(g); *accord* Mass. Gen. Laws ch. 147, § 63(b); Mass. Gen. Laws ch. 31 § 75. The

⁴⁰ *Four Years Post-Dobbs: Because of Shield Law Protections, More Abortions Are Being Provided Than Ever Before*, Reproductive Equity Now (June 23, 2026), perma.cc/YA27-HYSX.

⁴¹ Like New York, Massachusetts defines this term to also include “gender-affirming health care services.” That portion of the shield law is outside the scope of this complaint.

Massachusetts Attorney General has the authority to civilly prosecute violations of this prohibition. *See* Mass. Gen. Laws ch. 147, § 63(c); Mass. Gen. Laws ch. 12, § 11/ 1/2(i).

- A bar on the admissibility of evidence relating to an individual who “was not physically present” in Massachusetts when they received abortion drugs insofar as it is intended to show “that such individual has engaged in wrongdoing, whether civil, criminal, professional or otherwise.” *See* Mass. Gen. Laws ch. 12, § 11/ 1/2(h).
- An exemption from professional discipline for providers who prescribe and mail abortion drugs out-of-state so long as such conduct would be lawful if it had “occurred entirely in the commonwealth.” *See* Mass. Gen. Laws ch. 112, § 5F 1/2; *accord* Mass. Gen. Laws ch. 112, §§ 61, 77, 128.
- A bar on Massachusetts courts enforcing out-of-state judgments involving abortion drugs prescribed and mailed out-of-state. *See* Mass. Gen. Laws ch. 218, § 4A(g).
- A bar on medical-malpractice insurers “discriminat[ing]” against a Massachusetts provider based on its abortion-related conduct that is “unlawful in another state.” *See* Mass. Gen. Laws ch. 175, § 193U.
- A bar on Massachusetts courts issuing a summons or ordering testimony or document production for use in connection with any out-of-state proceeding concerning the out-of-state shipment of abortion drugs. *See* Mass. Gen.

Laws ch. 223A, § 11; Mass. Gen. Laws ch. 233, § 13A.

50. Beyond those provisions, the Massachusetts shield law adds a few others that warrant special mention.

51. For example, the shield law provides that the home address, telephone number, email address, and place of employment of prescribers engaged in the prescription and mailing of abortion drugs out-of-state “shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed.” *See* Mass. Gen. Laws ch. 66, § 10B; *accord* Mass. Gen. Laws ch. 112, §§ 12Q, 12Q 1/2.

52. The law likewise governs private business entities that “provide[] electronic communication services or remote computing service” to individuals or entities that engage in out-of-state shipments of abortion drugs. *See* Mass. Gen. Laws ch. 93, § 115(a). It provides that such an entity “shall not comply with a subpoena, warrant or other civil or criminal legal process for records, information or assistance that the business entity knows relates to” the abortion conduct—unless the requester swears “under penalty of perjury” that they do not seek documents, information, or testimony related to out-of-state liability for conduct “that is lawful in the commonwealth.” *Id.* A single false attestation is punishable by a statutory penalty of up to \$50,000 plus “damages.” *Id.* § 115(c). And the Attorney General may sue to compel the entity’s compliance. *Id.* § 115(d); *see* Mass. Gen. Laws ch. 111, § 70I (similar provisions for businesses involved in health record-keeping).

53. The shield law also bars the Massachusetts Department of Public Health from disclosing to out-of-state law enforcement data from its prescription-drug monitoring program that relates to the out-of-state shipment of abortion drugs—so long as “such services would be lawful as provided had they occurred entirely in the commonwealth.” *See* Mass. Gen. Laws ch. 94C, § 24A(n).

54. Finally, the Massachusetts shield law creates a private cause of action—for “any aggrieved person”—against “any plaintiff, prosecutor, attorney or law firm” that sues to try to stop the illegal shipment of abortion drugs within another state’s borders. *See* Mass. Gen. Laws ch. 12, § 11/ 1/2(d). “[R]ecovery shall be in the amount of actual damages, which shall include damages for the amount of any judgment issued in connection with any [such] litigation, and any and all other expenses, costs or reasonable attorney’s fees incurred in connection with [such] litigation.” *Id.*

C. California’s Shield Law.

55. California’s shield law generally tracks the laws discussed above.

56. Like his counterparts, California Governor Gavin Newsom has justified California’s shield law on the ground that “[a]n alarming number of states continue to outlaw abortion ..., and it’s more important than ever to fight like hell for those who need these essential services.”⁴²

⁴² Governor Gavin Newsom, *New Protections for People Who Need Abortion Care and Birth Control*, perma.cc/84CC-UZAM (last visited Sept. 27, 2026).

57. His version of the extradition bar came via an executive order rather than a legislative enactment—and he recently vetoed legislation that would codify the extradition bar.⁴³

58. Louisiana is well familiar with his position on extradition because of a case involving a California doctor named Remy Coeytaux. Coeytaux is responsible for illegally mailing abortion drugs to a young Louisiana woman whose ex-boyfriend coerced her to take them and abort the baby she wanted to keep. After Louisiana issued an arrest warrant for Coeytaux and an extradition request, Governor Newsom refused to cooperate. He later published a follow-up message to the Louisiana Attorney General: “@AGLizMurrill: Go fuck yourself.”⁴⁴

59. Setting aside the extradition issue, California’s shield law otherwise generally embeds familiar provisions throughout California law. They are all keyed to “legally protected health care activity,” which is defined to include telehealth abortion “regardless of the patient’s location,” *see* Cal. Penal Code § 13778.3(a)(2); *id.* § 1549.15(b)(1)(C), (c).⁴⁵ Among many other labyrinthine provisions, the shield law:

- Permits the omission of a prescriber’s name on an abortion drug label, and bars out-of-state individuals from accessing a private log kept by

⁴³ Nina Martin, *Newsom Vetoes Bill That Would Ban Extraditions for Abortion and Gender-Affirming Care*, Mother Jones (Sept. 23, 2026), perma.cc/KW4C-X6R6.

⁴⁴ Gavin Newsom (@GavinNewsom), X (Feb. 5, 2026), perma.cc/5532-P3BS.

⁴⁵ Like New York and Massachusetts, California defines this term to include “gender-affirming” conduct. As noted above, that aspect of the shield law is not the focus of this complaint.

pharmacies that tracks prescribers' information. *See* Cal. Bus. & Prof. Code § 4076(g).

- Bars California employees, contractors, and agents from cooperating with any bondsman, bounty hunter, or out-of-state law enforcement investigation regarding abortion drugs mailed out-of-state if the conduct “would be legal if it occurred in this state.” *See* Cal. Penal Code § 13778.3(b); *accord id.* § 13778.2(b); *see also id.* § 847.5(b), (c) (related provisions for California magistrates, bondsmen, and bounty hunters).⁴⁶
- Bars recognition of any out-of-state subpoena, warrant, wiretap order, and the like that does not include a sworn affidavit or declaration stating the request “is not in connection with an out-of-state proceeding relating to” abortion drugs mailed out-of-state. *See id.* § 13778.3(d). It also bars California courts, clerks, and court employees (and elsewhere, attorneys) from issuing a subpoena without such an affidavit or declaration. *Id.* § 13778.3(e); *accord id.* § 13778.2(c)(1), (2); Cal. Code of Civ. Proc. §§ 2029.300(e)(1), 2029.350(b)(1).
- Bars California corporations that “provide[] electronic communication services or remote computing services to the general public” from complying with any out-of-state subpoena or

⁴⁶ Notably, California law says that nothing “prohibit[s] the investigation of any criminal activity in this state that may involve the performance of a legally protected health care activity”—except that “information relating to any medical procedure performed on a specific individual [cannot be] shared with an agency or individual from another state for the purpose of enforcing another state’s law involving a legally protected health care activity.” Cal. Penal Code § 13778.2(d).

warrant that lacks such an affidavit or declaration. *See* Cal. Penal Code § 13778.3(f); *accord id.* §§ 1546.5(a), (c), 629.51(a)(5)(A). Here, and above, the California Attorney General is authorized to civilly prosecute the submission of a false affidavit, with the threat of up to \$15,000 in civil penalties “in addition to any other penalties or remedies provided by law.” *Id.* § 13778.3(g)(1), (2).

- Bars judges from directing witnesses to appear for testimony “if the criminal prosecution is based on the laws of another state that authorize a criminal penalty to an individual performing, receiving, supporting, or aiding ... abortion ... if [it] is lawful under the laws of this state.” *See id.* § 1334.2(f).
- Bars courts from recognizing or enforcing an out-of-state judgment based on the illegal facilitation of an abortion. *See* Cal. Health & Safety Code § 123467.5(a), (b).
- Allows any aggrieved person or entity to sue a person who engages in litigation intended to deter, prevent, sanction, or punish abortion-related conduct “that was legal in the state in which it occurred.” *See* Cal. Civ. Code §§ 1798.300(a), (b), 1798.303.
- Bars the disclosure of abortion-drug data from California’s drug monitoring program in connection with an out-of-state investigation regarding abortion drugs. *See* Cal. Health & Safety Code § 11165(c)(2).
- Bars the termination of professional-liability insurance or the denial of coverage related to

abortion conduct that is “lawful in this state” but “may be unlawful in another state.” See Cal. Ins. Code § 11589.1(a)(1), (c), (d).

III. The Shield Laws Are Irreparably Harming Plaintiff States.

60. Galvanized by FDA’s deregulation of mifepristone—and by organizations and individuals “eager for a chance to help thwart draconian anti-abortion laws”⁴⁷—the shield laws have had their intended effect.

61. That is principally a result of a series of corporations and organizations strategically placed throughout the United States to take advantage of the shield laws. To take a few examples, the Massachusetts Medication Abortion Access Project (themap.wspr.health) and Abuzz (abuzzhealth.com) operate out of Massachusetts. A Safe Choice Network (asafechoicenetwork.com), OPTIO Women’s Health (optiowomenshealth.com), We Take Care Of Us (wetakereof.us), and Choices Rising (choicesrising.com) operate out of California.

62. Each of these entities runs materially identical online operations: (1) they advertise the sale and shipment of abortion drugs in Plaintiff States; (2) they ask only for shipping information, money (usually around \$150), and the completion of a short questionnaire; and then (3) they promise delivery of abortion drugs in 1-5 business days.

63. Through public-protection investigations, Plaintiff States have confirmed that these entities will sell and mail abortion drugs based on entirely

⁴⁷ Martin, *One Pill at a Time*, *supra* n.4.

fabricated pregnancy and patient information, even when that information is supplied by a man.

64. Each of the entities above has benefited from their home state shield laws to Plaintiff States' detriment.

65. Consistent with the California shield law, every shipment that comes out of California lacks a prescriber's name on the drug labels, making it virtually impossible for Plaintiff States to find the source. Under the California shield law, California pharmacies purportedly have confidential logs of the prescribers' activity—but out-of-state actors are barred from seeing them. *See* Cal. Bus. & Prof. Code § 4076(g). And the same thing is happening under the Massachusetts shield law: Shipments from the Massachusetts Medication Abortion Access Project and the like say nothing about the prescribers behind the drugs.

66. The shield laws' prohibitions on private businesses providing electronic communications services have likewise stymied Plaintiff States' investigations. An investigator could not obtain Google, AT&T, and Spruce records via subpoena because those companies asked for the California and Massachusetts-required certifications that the records were for a non-abortion purpose. Similarly, the investigator could not obtain payment records from Stripe (a payment platform) via subpoena for the Massachusetts Medication Abortion Access Project because they asked for the same certification under the Massachusetts shield law.

67. Finally, as previewed above, Governor Hochul relied on the New York shield law's bar on extradition in refusing to send Margaret Carpenter to Louisiana. She also relied on the shield law's bar on state officials' cooperation with Louisiana in warning all such officials not to honor Louisiana's arrest warrant.

68. These concrete instances of shield-law problems are powerful enough. But the real force of the shield laws comes from their combined effect—because it is the sheer breadth of these shield laws that have emboldened individuals in states like New York, Massachusetts, and California to violate Plaintiff States’ laws, thinking themselves immune from legal and professional repercussions. And that is borne out in the human, economic, and sovereign costs of this unlawful enterprise.

69. In total, Plaintiff States are experiencing approximately 2,000 abortions a month. Plaintiff States have learned that a single Massachusetts prescriber—Manisha Kumar—is responsible for (at least) some 5,000 abortions in Plaintiff States since 2024. They have also learned that a single California prescriber—Remy Coeytaux—is responsible for (at least) some 1,000 abortions in Plaintiff States since 2025. And one California mail-order pharmacy (JBN Operations LLC), on information and belief, is responsible for quite literally thousands of abortions in Plaintiff States in the same timeframe.

70. The principal human costs behind these numbers are, of course, the babies whose lives were terminated. Like the laws of other pro-life states, Plaintiff States’ laws reflect “a respect for and preservation of prenatal life at all stages of development”—and specifically from the moment of conception. *Dobbs*, 597 U.S. at 300–01; *see supra* Section I. Some may disagree with Plaintiff States’ policy choices, but they are “legitimate.” *Dobbs*, 597 U.S. at 300–01. And the reality is that Plaintiff States are suffering the losses of thousands of unborn babies every month.

71. The human costs also extend to women and girls in Plaintiff States. As detailed above, New York's shield law prompted Margaret Carpenter to send abortion drugs into Louisiana where they were forced on a teenage girl who ended up in the hospital. California's shield law prompted Remy Coeytaux to send abortion drugs into Louisiana where an ex-boyfriend coerced a young woman to take them and abort a baby that she wanted to keep—and she ended up on a garage floor bleeding and in excruciating pain.

72. On top of these unspeakable situations are the examples of women suffering complications from the abortion drugs. Louisiana has documented reports of women who took Aid Access drugs (on information and belief, shipped by JBN from California) and ended up in emergency rooms. Louisiana has a sworn report of a woman who took Abuzz drugs and nearly died in the operating room because she started hemorrhaging and needed a suction D&C to complete the abortion. Criminal charges also have been filed against a Louisiana man who mixed mifepristone and misoprostol in smoothies to drug his teenage daughter and end her pregnancy at 23 weeks gestation—her baby survived and has been in neonatal intensive care for months. Further, Louisiana has multiple reports from physicians and other providers on the ground stating that they are treating women suffering complications from abortion drugs on a daily basis.

73. As women require care from complications, Louisiana has discovered that a significant number of those women are on Medicaid—thereby requiring the State to pay for a portion of those Medicaid costs. And at least one health care provider in Louisiana has reported that approximately half of their team's patients treated for abortion drug complications are on Medicaid.

74. Finally, Plaintiff States are suffering direct sovereign harms from this avowed effort to effectuate abortion within their borders. The advertising of abortion drugs in Plaintiff States violates their laws. *See supra* Section I. The remote dispensing of abortion drugs within Plaintiff States violates their laws. *Id.* And of course, the thousands of abortions every month in Plaintiff States are independent violations of their laws. *Id.*

75. Plaintiff States invested in the promise of *Dobbs*—that the citizens of Plaintiff States, through their elected representatives, could regulate abortion *in their states* as they believe is morally, ethically, and legally warranted. Defendants Massachusetts, California, and New York, however, have shuttered that promise with shield laws intended to make abortion policy—their abortion policy—for the whole country.

76. Everyone agrees that the shield laws are essential to the gutting of pro-life states’ laws.

77. One media report, for example, states that, when “Massachusetts enacted its shield law in July 2022,” the co-founder of the Massachusetts Medication Abortion Access Project “saw a perfect opportunity to operationalize her middle-finger rage” after *Dobbs*.⁴⁸ Another report—entitled “How Blue States Got Around the GOP’s Efforts to Ban Abortion in Red States”—explains that post-*Dobbs* “telemedicine” abortion rates are rising “thanks largely to ‘shield’ laws—blue-state statutes that protect abortion providers and helpers from being investigated, prosecuted,

⁴⁸ Martin, *One Pill at a Time*, *supra* n.4.

sued, and harassed for providing care to patients living in places where abortion is illegal.”⁴⁹

78. The two American manufacturers of the abortion drug mifepristone just argued the same point to this Court. Appl. 27, *GenBioPro, Inc. v. Louisiana*, No. 25A1208 (U.S. May 2, 2026) (“Louisiana’s asserted injuries derive from the ‘unfettered choices made by independent’ actors—*i.e.*, medical providers in other states who ship mifepristone in reliance on shield laws that Louisiana’s co-equal sovereign states have enacted.”); Appl. 23, *Danco Lab’s, L.L.C. v. Louisiana*, No. 25A1207 (U.S. May 2, 2026) (“[T]he alleged frustration of Louisiana’s laws occurs because other ‘states have enacted shield laws to protect medical practitioners in their states from extradition for prescribing’ mifepristone.” (quotation marks omitted)). And Governor Hochul confirmed as much: “[T]hey can’t stop us, they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back.”⁵⁰

COUNT I

Full Faith and Credit, U.S. Const. art. IV, § 1

79. The Full Faith and Credit Clause provides that “Full Faith and Credit shall be given in each State to the public Acts, Records, or Judicial Proceedings of every other State.” U.S. Const. art. IV, § 1.

80. “A statute”—such as the laws adopted by Louisiana, Arkansas, and Alabama, *see supra* Section I—“is a ‘public Act’ within the meaning of the Full Faith and Credit Clause.” *Franchise Tax Bd. of Cal. v. Hyatt*, 578 U.S. 171, 176 (2016).

⁴⁹ Martin, *Blue States*, *supra* n.11.

⁵⁰ *2023 Signing Ceremony*, *supra* n.1, at 13:46-58.

81. The Clause deems “constitutionally impermissible” a state’s “policy of hostility to the public Acts of a sister State.” *Id.* at 179 (quotation marks omitted). A state “need not substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.” *Id.* (quotation marks omitted). But neither can a state “devis[e] a special—and hostile—rule” for a sister state, for that directly violates each state’s obligation to “sensitively appl[y] principles of comity with a healthy regard for [each other’s] sovereign status.” *Id.* at 180 (citation omitted).

82. For these reasons, our Constitution tolerates no policy that would render “a State where [an] injury occur[s] ... powerless to provide any remedies or safeguards” “for acts occurring within her boundaries.” *Carroll v. Lanza*, 349 U.S. 408, 414 (1955). The Court has confirmed that it does “not think the Full Faith and Credit Clause demands that subserviency from the State of the injury.” *Id.*; see *Pac. Employers Ins. v. Indus. Accident Comm’n*, 306 U.S. 493, 503 (1939) (“Few matters could be deemed more appropriately the concern of the state in which [an] injury occurs or more completely within its power.”). For “[t]he State of the forum also has interests to serve and to protect.” *Carroll*, 349 U.S. at 412.

83. The shield laws of Massachusetts, California, and New York violate the Full Faith and Credit Clause. They have virtually nothing to do with abortions conducted within the borders of those states. Instead, their sole purpose is to facilitate illegal abortions in Plaintiff States and other pro-life states, while simultaneously protecting the resident perpetrators from liability in those states or professional repercussions in their home states. *Cf. Nat’l Pork Producers*

Council, 598 U.S. at 409 (Kavanaugh, J., concurring in part and dissenting in part) (“A State’s effort to regulate farming, manufacturing, and production practices in another State (in a manner different from how that other State’s laws regulate those practices) could in some circumstances raise questions under [the Full Faith and Credit] Clause.”).

84. Indeed, it is difficult to imagine a clearer violation of the Full Faith and Credit Clause. By design, these shield laws are intended to render states like Louisiana, Arkansas, and Alabama “powerless to provide any remedies or safeguards” for illegal abortions “occurring within [their] boundaries” and caused by organizations, prescribers, and pharmacies in Defendant States. *Carroll*, 349 U.S. at 414. As Governor Hochul has repeatedly said, she and others have acted “to protect [those] who prescribe and send abortion pills to patients in states where abortion is outlawed”⁵¹—so that they may do so “without fear of legal or professional repercussions.”⁵²

85. That is the very definition of a “constitutionally impermissible” “policy of hostility to the public Acts of a sister State.” *Franchise Tax Bd. of Cal.*, 578 U.S. at 179 (quotation marks omitted). And it comes nowhere close to “sensitively appl[ying] principles of comity with a healthy regard for [Plaintiff States’] sovereign status.” *Id.* at 180 (citation omitted).

COUNT II

Equal-Sovereignty Doctrine

86. The shield laws of Massachusetts, California, and New York also squarely violate the “fundamental

⁵¹ *2023 Signing Ceremony*, *supra* n.1 at 14:00-20.

⁵² *2023 Signing Ceremony*, *supra* n.1.

principle of *equal* sovereignty’ among the States.” *Shelby County*, 570 U.S. at 544 (citation omitted). “[O]ur Nation ‘was and is a union of States, equal in power, dignity[,] and authority.’” *Id.* (citation omitted). As this Court has emphasized, “the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized.” *Id.* (citation omitted).

87. Just as Congress has no authority to “sharply depart[] from these basic principles,” *id.*, so, too, a state has no authority to unilaterally upset the equal sovereignty of the several states. “[U]nder the Constitution’s horizontal separation of powers,” states generally may not impose regulations beyond “the territorial limits of state authority.” *Nat’l Pork Producers Council*, 598 U.S. at 376 n.1.

88. Yet that is precisely what Massachusetts, California, and New York have done. They complain that “hostile” and “restrictive”⁵³ Plaintiff States have chosen life within their borders—and they claim the right to unilaterally override Plaintiff States’ sovereign prerogatives by forcing abortion into Plaintiff States nonetheless and destroying their co-equal status in the Union.

89. If there were any doubt that this is unconstitutional, *Dobbs* would eliminate it. The Court returned the abortion issue to the people’s elected representatives so that each state—pro-abortion and pro-life alike—could choose its own abortion regulations for itself. Massachusetts, California, and New York, however, have rejected *Dobbs* in favor of their choosing *for all states* that abortion must persist.

⁵³ *2025 Signing Ceremony*, *supra* n.13.

90. The sponsors behind these shield laws have not minced words: “Today, we are rejecting the [*Dobbs*] decision.”⁵⁴ And those they have enabled have not minced words, either: “It made me so happy ... when [Justice Alito] wrote, ‘They’re undermining *Dobbs*.’ I was like, *yeah, exactly*.”⁵⁵

91. That is *unequal* sovereignty, not *equal* sovereignty—and it is plainly unconstitutional.

COUNT III

Federal Common Law of Public Nuisance

92. Defendant States’ shield laws also present a classic violation of the federal common law of public nuisance.

93. Federal common law governs “areas of national concern,” including “where the basic scheme of the Constitution so demands” and where a suing state’s harm “emanat[es] from another State.” *Am. Elec. Power Co. v. Connecticut*, 564 U.S. 410, 421 (2011) (citation omitted). And the federal common law of public nuisance protects a sovereign state’s “interest in the abatement of public nuisances, instances in which the injury to the public health and comfort [is] graphic and direct.” *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 604 (1982).

94. A state thus may, for example, sue to enjoin another state’s (or out-of-state entity’s) discharge of “noxious” items across state lines and into the suing state. *See id.* at 603–04 (citing *Missouri v. Illinois*, 180 U.S. 208 (1901); *Ga. v. Tenn. Copper Co.*, 206 U.S. 230 (1907)). And more broadly, it may sue to enjoin the

⁵⁴ 2023 Signing Ceremony, *supra* n.1, at 23:20-26.

⁵⁵ Martin, *One Pill at a Time*, *supra* n.4.

facilitation of conduct “not warranted by law, ... which obstructs or causes inconvenience or damage to the public in the exercise of rights common to all.” *Cranor v. 5 Star Nutrition, L.L.C.*, 998 F.3d 686, 691 (5th Cir. 2021) (quoting Restatement (Second) of Torts § 821B cmt. a (Am. L. Inst. 1979)). Indeed, the facilitation of “conduct ... proscribed by a statute” presents a quintessential public nuisance, especially where it involves “a significant interference with the public health” and the perpetrator “knows” of that “continuing” harm. Restatement (Second) of Torts § 821B(2) & cmt. d; *accord City of Huntington v. AmerisourceBergen Drug Corp.*, 157 F.4th 547, 566–69 (4th Cir. 2025); *Baptiste v. Bethlehem Landfill Co.*, 965 F.3d 214, 220 (3d Cir. 2020).

95. That is Defendant States’ shield laws in spades. As discussed above, the singular purpose animating those laws is to thwart pro-life states’ prohibitions of abortion—and the predictable and intended consequence of those laws is the monthly termination of thousands of unborn babies’ lives in Plaintiff States, with the health and safety of women and girls as collateral damage. That is the most profound interference with the public health imaginable in Plaintiff States.

96. If Defendant States had enacted laws goading their residents into sending anthrax, fentanyl, or mail bombs into Plaintiff States, or launching cyber-attacks against Plaintiff States’ infrastructure, there would be no question that Plaintiff States could sue to abate those public nuisances. The same is true here.

97. That is especially so because this suit implicates virtually every sovereign and quasi-interest that this Court has recognized. *First*, a state has a sovereign interest in preserving its “power to create and enforce a legal code.” *Alfred L. Snapp & Son, Inc.*, 458

U.S. at 601. *Second*, a state has a sovereign interest in demanding the “recognition of [its] borders” “from other sovereigns.” *Id.* *Third*, a state has “a quasi-sovereign interest in the health and well-being—both physical and economic—of its residents in general.” *Id.* at 607. And *fourth*, a state has “a quasi-sovereign interest in not being discriminatorily denied its rightful status within the federal system.” *Id.* Each of those interests is directly abridged by Defendant States’ adoption of laws intended to assure their residents that they can violate Plaintiff States’ laws “without fear of legal or professional repercussions.”⁵⁶

98. When Plaintiff States surrendered their ability to carry out “the forcible abatement of outside nuisances,” they “expected” that the federal government would bear “the duty of providing a remedy” for the sorts of brazen misconduct addressed in this suit. *Alfred L. Snapp & Son, Inc.*, 458 U.S. at 604 (citations omitted). The federal common law of public nuisance provides that remedy.

COUNT IV

Dormant Commerce Clause, U.S. Const. art. I, § 8, cl. 3

99. Finally, Defendant States’ shield laws present a dormant Commerce Clause problem. “The Constitution vests Congress with the power to ‘regulate Commerce ... among the several States.’” *Nat’l Pork Producers Council*, 598 U.S. at 368 (quoting U.S. Const. art. I, § 8, cl. 3). Implicit in that grant of power is “‘a further, negative command,’ one effectively forbidding the enforcement of ‘certain state [economic

⁵⁶ 2023 Signing Ceremony, *supra* n.1.

regulations] even when Congress has failed to legislate on the subject.” *Id.*

100. A core feature of this negative command is that “no State may use its laws to discriminate purposefully against out-of-state economic interests.” *Id.* at 364. And, so long as a state complies with that non-discrimination principle, it “may exclude from its territory ... any articles which, in its judgment, fairly exercised, are prejudicial to’ the interests of its citizens.” *Id.* at 369.

101. Through their democratically elected representatives, Louisiana, Arkansas, and Alabama have “exclude[d] from [their] territory” items—specifically, remotely dispensed abortion drugs— “which, in [their] judgment, fairly exercised, are prejudicial to the health or which would endanger the lives or property of [their] people.” *Guy v. City of Baltimore*, 100 U.S. 434, 443 (1879). Put otherwise, on pain of criminal penalties, Plaintiff States have closed their markets to the sale and remote dispensing of abortion drugs.

102. That decision is unquestionably non-discriminatory: It applies to such drugs regardless of their origin. Plaintiff States thus rest squarely within “the exercise of [their] police powers” as preserved by the dormant Commerce Clause, *id.*, and by this Court’s own decision in *Dobbs*, 597 U.S. at 300–01 (“[T]he States may regulate abortion for legitimate reasons,” including “respect for and preservation of prenatal life at all stages of development” and “the protection of maternal health and safety.”).

103. The shield laws of Massachusetts, California, and New York, however, are designed specifically—indeed, solely—to generate that prohibited economic activity across state lines and within Plaintiff States.

That is a form of “economic protectionism,” *Nat’l Pork Producers Council*, 598 U.S. at 369 (citation omitted), because it attempts to shield Massachusetts, California, and New York residents from any legal or professional repercussions of their illegal commercial conduct. It is also “purposeful discrimination against out-of-state interests,” *id.* at 371, because it drives into Plaintiff States the very economic activity that they have lawfully “exclude[d] from [their] territory,” *Guy*, 100 U.S. at 443.

104. This happens every day an individual operating under Defendant States’ shield laws advertises abortion drugs for sale online in Plaintiff States; accepts around \$150 for such drugs through a cross-border commercial transaction; and then ships those drugs into Plaintiff States. Carpenter did so from New York; Coeytaux did so from California; and various faceless Massachusetts prescribers do so every day through organizations like the Massachusetts Medication Abortion Access Project.

105. The dormant Commerce Clause—especially in light of “the Constitution’s structure and the principles of ‘sovereignty and comity’ it embraces”—forbids this frontal assault on Plaintiff States. *Nat’l Pork Producers Council*, 598 U.S. at 376.

PRAYER FOR RELIEF

Wherefore, Plaintiffs State of Louisiana, State of Arkansas, and State of Alabama respectfully request that the Court:

- Declare that the shield laws of New York, Massachusetts, and California violate the Full Faith and Credit Clause.

- Declare that the shield laws of New York, Massachusetts, and California violate the equal-sovereignty doctrine.
- Declare that the shield laws of New York, Massachusetts, and California violate the federal common law of public nuisance.
- Declare that the shield laws of New York, Massachusetts, and California violate the Dormant Commerce Clause.
- Enjoin officials in New York, Massachusetts, and California from enforcing their shield laws.
- Grant any and all other relief as the Court deems proper.

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No. ___, Original

IN THE
Supreme Court of the United States

STATE OF LOUISIANA; STATE OF ARKANSAS;
AND STATE OF ALABAMA,
Plaintiffs,

v.

STATE OF NEW YORK; COMMONWEALTH OF
MASSACHUSETTS; AND STATE OF CALIFORNIA,
Defendants.

**BRIEF IN SUPPORT OF MOTION FOR
LEAVE TO FILE BILL OF COMPLAINT**

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
INTRODUCTION	1
ARGUMENT	4
I. THE SERIOUSNESS AND DIGNITY OF PLAINTIFF STATES' CLAIMS WARRANT THE EXERCISE OF THIS COURT'S ORIGINAL JURISDICTION.	4
A. The Shield Laws Attack Quintessential Sovereign Interests.....	5
B. The Shield Laws Harm Quintessential Quasi-Sovereign Interests.....	7
II. THIS IS THE APPROPRIATE FORUM.....	10
A. The Issue Presented Is Deeply Important Nationwide.....	10
B. The Attack on This Court's Authority Warrants This Court's Review.....	12
C. There Is No Other Suitable Forum.....	14
III. PLAINTIFF STATES' CLAIMS ARE PLAINLY MERITORIOUS.	17
CONCLUSION	19

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Alabama v. California</i> , 145 S. Ct. 757 (2025)	3
<i>Alfred L. Snapp & Son, Inc. v. Puerto Rico</i> , 458 U.S. 592 (1982)	5, 6, 7, 8, 9
<i>Carroll v. Lanza</i> , 349 U.S. 408 (1955)	17, 18
<i>Danco Lab'ys, LLC v. Louisiana</i> , 146 S. Ct. 1192 (2026)	3
<i>Dobbs v. Jackson Women's Health Organization</i> , 597 U.S. 215 (2022)	1, 3, 5, 7, 11, 12, 13, 18, 19
<i>Franchise Tax Bd. of Cal. v. Hyatt</i> , 578 U.S. 171 (2016)	17
<i>Louisiana v. Nouhavandi</i> , No. 2:26-cv-3836 (W.D. La.)	16
<i>Mississippi v. Louisiana</i> , 506 U.S. 73 (1992)	3, 4, 15
<i>Missouri v. Illinois</i> , 180 U.S. 208 (1901)	7, 14
<i>Nat'l Pork Producers Council v. Ross</i> , 598 U.S. 356 (2023)	19

<i>Ohio v. Wyandotte Chems. Corp.</i> , 401 U.S. 493 (1971)	14
<i>Shelby County v. Holder</i> , 570 U.S. 529 (2013)	18
<i>South Carolina v. North Carolina</i> , 558 U.S. 256 (2010)	14
<i>South Carolina v. Regan</i> , 465 U.S. 367 (1984)	10, 11
Statutes	
28 U.S.C. § 1251(a)	15
Other Authorities	
<i>After Roe Fell: U.S. Abortion Laws by</i> <i>State</i> , Ctr. for Reproductive Rights, perma.cc/79LM-7HS6	11
Nina Martin, <i>She's Remaking the</i> <i>Abortion Landscape One Pill at a</i> <i>Time</i> , Mother Jones (July 31, 2026), perma.cc/E8AJ-N8P6	3, 11, 13
<i>Shield Laws Related to Sexual and</i> <i>Reproductive Health Care</i> , The Guttmacher Inst., perma.cc/79LM-7HS6	10, 11
U.S. Const. art. III, § 2, cl. 2	15

INTRODUCTION

The Bill of Complaint details one of the starkest examples of interstate aggressions warranting the exercise of this Court’s original jurisdiction. In *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), this Court “heed[ed] the Constitution and return[ed] the issue of abortion to the people’s elected representatives.” *Id.* at 232. Pro-life states like Plaintiffs Louisiana, Arkansas, and Alabama thus restricted and banned abortion within their borders. In response, pro-abortion states—including Defendants New York, Massachusetts, and California—enacted so-called telehealth “shield laws.” Those laws are challenged here.

Although pro-abortion states have adopted telehealth shield laws, such laws have nothing to do with abortion within the borders of those states. Instead, the sole purpose of a telehealth shield law is to facilitate abortion by mail in pro-life states. For that reason, shield laws are not shields at all—they are swords disguised as shields and driven into pro-life states.

A telehealth shield law achieves its aim via dozens of special provisions embedded throughout criminal, civil-procedure, public-health, insurance, education, and other codes. One common provision, for example, allows prescribers to leave their names off abortion-drug labels (but not other drug labels) so that pro-life states cannot identify the senders to hold them accountable. Compl. ¶¶ 40, 43, 49, 59, 65. Another common provision forbids public and private individuals from cooperating with out-of-state investigations concerning the illegal mailing of abortion drugs into pro-life states. *Id.* ¶¶ 43, 49, 59, 66. Other provisions bar extradition and the recognition of out-of-state

judgments in pro-life states. *Id.* ¶¶ 43, 49, 59. Still more provisions exempt shield-law state residents from professional discipline and the termination or denial of insurance based on violations of pro-life states' laws. *Id.* ¶¶ 49, 59. And Massachusetts and California have created private causes of action for ruinous liability against any individual or entity who brings a lawsuit seeking to sanction or deter the illegal mailing of abortion drugs into pro-life states. *Id.* ¶¶ 54, 59.

The combined effect of these provisions is an attempt to eliminate every potential legal or professional repercussion for shield-law state residents who illegally prescribe and mail abortion drugs into a pro-life state—thereby assuring residents that they may violate that pro-life state's laws with impunity.

The results are predictable and sobering. Louisiana, Arkansas, and Alabama alone are suffering approximately 2,000 abortions per month due to abortion drugs prescribed and mailed into their jurisdictions predominantly by residents of New York, Massachusetts, and California. *Id.* ¶¶ 11, 69. Each such abortion involves not only the loss of an unborn baby's life, but also the concomitant pain and suffering of women and girls within these states. That is demonstrated by mounting reports of abusers wielding mail-order drugs to compel unwanted abortions; increased demands for emergency medical care, including, for example, a woman who nearly died in a Louisiana operating room after she began hemorrhaging and needed a suction D&C to complete an abortion; and in some cases, continued neonatal intensive care for babies who miraculously survive abortion drugs. *Id.* ¶¶ 38, 58, 70–73.

This is all by design—and all part of a nationwide “scheme to undermine [this Court's] decision in

Dobbs.” *Danco Lab’s, LLC v. Louisiana*, 146 S. Ct. 1192, 1193 (2026) (Alito, J., dissenting). New York Governor Kathy Hochul has emphasized that these telehealth shield laws are intended to “protect [those] who prescribe and send abortion pills to patients in states where abortion is outlawed.” *Id.* ¶ 8. In adopting such laws, New York, Massachusetts, and California “are rejecting the [*Dobbs*] decision, and the thinking behind that decision.” *Id.* ¶ 35. And in operating under those laws to send abortion drugs into pro-life states, shield-law state residents are just as open about their mission: “It made me so happy ... when [Justice Alito] wrote, ‘They’re undermining *Dobbs*.’ I was like *yeah, exactly*.” Nina Martin, *She’s Remaking the Abortion Landscape One Pill at a Time*, Mother Jones (July 31, 2026), perma.cc/E8AJ-N8P6 (“*One Pill at a Time*”).

Defendants’ candor begins and ends this case. “[T]hey can’t stop us, they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back,” says Governor Hochul. Compl. ¶ 8. “Thanks to New York’s shield law ... providers in the State can provide medication used to treat abortion to patients in hostile states” *Id.* ¶ 41.

This is a textbook case warranting an exercise of this Court’s original jurisdiction.¹ *First*, the “seriousness and dignity” of Plaintiff States’ challenge to these shield laws are unquestionable. *Mississippi v.*

¹ This Court’s original jurisdiction is mandatory, not discretionary, for all the reasons previously expressed by Justices Thomas and Alito. *See, e.g., Alabama v. California*, 145 S. Ct. 757, 757–59 (2025) (Thomas, J., dissenting from the denial of motion for leave to file complaint). Understanding that other members of the Court may not agree, however, Plaintiff States here also argue the discretionary factors, which—because they are plainly satisfied—moot any question about the mandatory nature of the Court’s original jurisdiction.

Louisiana, 506 U.S. 73, 77 (1992) (citation omitted). Through their shield laws, New York, Massachusetts, and California have sought to violate virtually every sovereign and quasi-sovereign interest held by Louisiana, Arkansas, Alabama, and other pro-life states. This would be an all-out “*casus belli* if the States were fully sovereign.” *Id.* (citation omitted). *Second*, this is the appropriate forum to end this conflict. All 50 states are involved and have chosen sides—and only this Court properly may address the open rebellion against its precedent. *Third*, the telehealth shield laws are unlawful. They constitute an overt policy of hostility that violates full faith and credit and the equal-sovereignty doctrine, among other settled principles. The only question is which path the Court will select to invalidate these laws and when it will do so. The time is now.

ARGUMENT

I. THE SERIOUSNESS AND DIGNITY OF PLAINTIFF STATES’ CLAIMS WARRANT THE EXERCISE OF THIS COURT’S ORIGINAL JURISDICTION.

In determining “whether a case is ‘appropriate’ for [this Court’s] original jurisdiction,” this Court often first “look[s] to ‘the nature of the interest of the complaining State,’ focusing on the ‘seriousness and dignity of the claim.’” *Mississippi*, 506 U.S. at 77 (citations omitted). “The model case for invocation of this Court’s original jurisdiction,” the Court has said, “is a dispute between States of such seriousness that it would amount to *casus belli* if the States were fully sovereign.” *Id.* (citation omitted).

That is this case. Plaintiff States challenge telehealth shield laws that violate both (A) sovereign interests and (B) quasi-sovereign interests long

recognized by this Court as striking at the very heart of state sovereignty.

A. The Shield Laws Attack Quintessential Sovereign Interests.

Start with Plaintiff States’ sovereign injuries. This Court has “easily identified” “[t]wo sovereign interests” warranting suits such as this. *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 601 (1982). The first is “the exercise of sovereign power over individuals and entities within the relevant jurisdiction—this involves the power to create and enforce a legal code, both civil and criminal.” *Id.* The second is “the demand for recognition from other sovereigns—most frequently this involves the maintenance and recognition of borders.” *Id.* The shield laws violate both.

1. In the wake of *Dobbs*, Plaintiff States adopted materially identical legal codes for the express purpose of protecting their unborn babies, women, and girls. They each treat an unborn baby as fully human from the moment of conception. Compl. ¶ 20. They each generally prohibit abortion except to save the life of the mother. *Id.* They each proscribe the sale and prescription of abortion drugs. *Id.* ¶ 21. And they each require an in-person examination and in-person administration of abortion drugs even if an abortion were otherwise permissible. *Id.*

The shield laws of New York, Massachusetts, and California, however, are designed to gut those laws and Plaintiff States’ ability to enforce them. They exist so that residents of New York, Massachusetts, and California can “prescribe and send abortion pills to patients in states where abortion is outlawed”—*i.e.*, Plaintiff States. *Id.* ¶ 8. Facilitating the remote dispensing of abortion drugs alone violates Plaintiff

States’ laws because abortion drugs may be dispensed (if at all) only in-person and after an in-person examination. And facilitating the abortions of unborn babies in Plaintiff States independently violates Plaintiff States’ laws. By facilitating each category of violations, Defendants’ shield laws directly attack Plaintiff States’ sovereign authority to create a legal code and their sovereign power to regulate persons and items within their borders.

Defendants go further, moreover, by also attacking Plaintiff States’ ability to enforce their legal codes. Among other provisions, the shield laws affirmatively allow the concealment of prescribers’ names on abortion-drug labels, forbid cooperation with out-of-state investigations and enforcement of out-of-state judgments, and even create causes of action to scare anyone who might challenge this illegal conduct—all in an attempt to immunize Defendants’ residents from any legal liability for their open violations of Plaintiff States’ laws. *Id.* ¶¶ 43, 49–54, 59. To be clear, these aspects of the shield laws serve no purpose *other than* to thwart Plaintiff States’ ability to enforce their legal codes. This attack thus goes to the very essence of the sovereign interest recognized by this Court. *See Alfred L. Snapp & Son, Inc.*, 458 U.S. at 601.

2. For the same reasons, it is difficult to imagine a clearer attack on Plaintiff States’ interest in respect for their borders. *Id.* The basic premise of shield laws is open disrespect for sovereign borders—reaching outside of New York, Massachusetts, and California and into “hostile states.” Compl. ¶¶ 8, 41, 42. A doctor at one of Governor Hochul’s shield-law signing ceremonies cheerfully announced: “[W]e’re going to mail pills across state lines ... once this legislation is signed.” *Id.* ¶ 36. Rather than respect Plaintiff States’ borders,

therefore, Defendants’ shield laws exist solely to breach those borders by convincing shield-law state residents that they cannot suffer any legal or professional repercussions for their illegal conduct.

B. The Shield Laws Harm Quintessential Quasi-Sovereign Interests.

This attack on Plaintiff States is starker still because it also constitutes a violation of their quasi-sovereign interests. The Court has identified “two general categories” of cognizable quasi-sovereign injuries. *Alfred L. Snapp & Son, Inc.*, 458 U.S. at 607. The first is a state’s “quasi-sovereign interest in the health and well-being—both physical and economic—of its residents in general.” *Id.* The second is a state’s “quasi-sovereign interest in not being discriminatorily denied its rightful status within the federal system.” *Id.* Both are violated here.

1. This Court has recognized that states like Louisiana, Arkansas, and Alabama have “legitimate interests” in regulating abortion based on “respect for and preservation of prenatal life” and “the protection of maternal health and safety.” *Dobbs*, 597 U.S. at 301. Those interests align with Plaintiff States’ “quasi-sovereign interest in the health and well-being” of their residents. *Alfred L. Snapp & Son, Inc.*, 458 U.S. at 607; accord *Missouri v. Illinois*, 180 U.S. 208, 241 (1901) (“[I]t must surely be conceded that, if the health and comfort of the inhabitants of a state are threatened, the state is the proper party to represent and defend them.”).

Those interests are being directly violated because Defendants’ residents are sending drugs into Plaintiff States under the shield laws. Thousands of unborn babies’ lives are terminated even though Plaintiff States’

laws protect them. Compl. ¶¶ 11, 69–70. And women and girls in Plaintiff States are finding themselves in unspeakable situations, such as coercion at the hands of abusers and life-threatening harms requiring emergency care. That includes, for example, a Louisiana teenager coerced by a parent to have an abortion she did not want, found on a bathroom floor holding her aborted baby and crying hysterically; a young Louisiana woman coerced by an ex-boyfriend to have an abortion she did not want, ending up on a garage floor bleeding and in excruciating pain; a Louisiana woman who nearly died in the operating room after she needed a suction D&C and began hemorrhaging; and a Louisiana teenager drugged with smoothies at 23 weeks gestation, requiring an emergency operation to save the baby. *Id.* ¶¶ 38, 58, 71–73.

If New York, Massachusetts, and California had erected laws encouraging their residents to ship fentanyl or anthrax to addresses in Plaintiff States, there is no question that Plaintiff States would have textbook quasi-sovereign interests in challenging those laws—for the very lives and health of their citizens would be at stake. That is exactly the case here: Plaintiff States protect unborn babies from the moment of conception. Thus, every unborn baby whose life is terminated—like every woman or girl who faces pain and suffering—is valued and protected in Plaintiff States. *Cf. Alfred L. Snapp & Son, Inc.*, 458 U.S. at 607 (“One helpful indication in determining whether an alleged injury to the health and welfare of its citizens suffices to give the State standing to sue as *parens patriae* is whether the injury is one that the State, if it could, would likely attempt to address through its sovereign lawmaking powers.”).

By goading their residents into sending life-ending and life-threatening drugs into Plaintiff States, Defendants actively are abridging the quasi-sovereign interests of Louisiana, Arkansas, and Alabama.

2. “Distinct from but related to” the harm to “the general well-being of [Plaintiff States] residents,” Louisiana, Arkansas, and Alabama have “an interest in securing observance of the terms under which [they] participate[] in the federal system.” *Id.* at 607–08. Or, put otherwise, “a State has a quasi-sovereign interest in not being discriminatorily denied its rightful status within the federal system.” *Id.* at 607.

For the same reasons the shield laws plainly violate full faith and credit and the equal-sovereignty doctrine, *see infra* Section III, they also deny Plaintiff States their rightful status in our constitutional system. If co-equal sovereignty means anything, it means that the several states properly may regulate abortion within their borders—but they may not force abortion into a sister state that has elected to prohibit abortion. Defendants’ telehealth shield laws exist only to spur that unlawful conduct “in hostile states.” Compl. ¶ 41; *see id.* ¶ 8 (“[T]hey can’t stop us, they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back.”).

* * *

New York, Massachusetts, and California have made an overt decision to attack quite literally every sovereign and quasi-sovereign state interest recognized by this Court. Having surrendered their rights to traditional sovereign methods of settling serious disputes, Louisiana, Arkansas, and Alabama invoke this Court’s “duty” to provide a remedy, *Alfred L. Snapp & Son, Inc.*, 458 U.S. at 604 (citation omitted)—

one that is easily supplied under the Court’s existing precedents, *see infra* Section III.

II. THIS IS THE APPROPRIATE FORUM.

This is the necessary and proper forum, moreover, for resolving this interstate conflict. That is so for at least three independent reasons: (A) this case is deeply important to all 50 states; (B) the interstate aggression at issue in this case bears directly on this Court as an institution; and (C) there is no other suitable forum for an issue of this magnitude.

A. The Issue Presented Is Deeply Important Nationwide.

Most fundamentally, this case presents “a question that is of vital importance to all fifty States,” thus rendering it “appropriate for [this Court] to exercise its discretion in favor of hearing this case.” *South Carolina v. Regan*, 465 U.S. 367, 382 (1984) (plurality op.); *accord id.* at 384 (Blackmun, J., concurring in the judgment) (“The issue presented is a substantial one, and is of concern to a number of States.”). That is because this case arises from a nationwide conflict between two dozen states that wish to deregulate abortion across the country and two dozen states that have fully or partially banned abortion within their borders.

This suit challenges the telehealth shield laws of New York, Massachusetts, and California because they are representative of virtually the same shield laws adopted in other states like Colorado, Maine, Rhode Island, Vermont, Virginia, and Washington. *See Shield Laws Related to Sexual and Reproductive Health Care*, The Guttmacher Inst., perma.cc/79LM-7HS6. Portions of those laws, moreover, are embedded

throughout the legal codes of some 23 states and the District of Columbia. *See id.*

For their part, Louisiana, Arkansas, and Alabama—plus other states like Indiana, Kentucky, Mississippi, Oklahoma, Texas, and West Virginia—have banned abortion within their borders (with very narrow exceptions). *After Roe Fell: U.S. Abortion Laws by State*, Ctr. for Reproductive Rights, perma.cc/79LM-7HS6. A dozen others have adopted more-limited abortion bans that vary from state to state. *See id.* And each of those states is experiencing the same incursion that Louisiana, Arkansas, and Alabama challenge in this case: the unalloyed and shield-law-driven dispensing of abortion drugs into their states in violation of their democratically enacted laws.

Just one entity operating under the Massachusetts shield law—the Massachusetts Medication Abortion Access Project—claims to send “more than 6,000” abortion-drug packages a month, “95 percent [of which go to] states where abortion is subject to harsh restrictions and near-total bans.” Martin, *One Pill at a Time*, *supra*. The Project’s “favorite example” of a success story “is Mississippi, where the *Dobbs* case originated.” *Id.* Although Mississippi’s pro-life law prevailed in *Dobbs*, post-*Dobbs* abortions in Mississippi “have risen a mind-boggling 85 percent—all thanks to shield laws and telemedicine.” *Id.*

This pitched battle across the Nation over the legal issue presented in this case is unmistakable. And it confirms that the issue—which is “of vital importance to all fifty States”—is “appropriate[ly]” resolved through an exercise of this Court’s original jurisdiction. *Regan*, 465 U.S. at 382 (plurality op.).

B. The Attack on This Court's Authority Warrants This Court's Review.

This forum is likewise appropriate because this controversy strikes at the very authority of this Court. States like New York, Massachusetts, and California have enacted telehealth shield laws for the avowed purpose of effectuating abortion in pro-life states. While pro-life states are the principal targets of the shield laws, this Court is no less a target.

Only a few years ago, this Court “overrule[d] [its abortion precedents] and once again allow[ed] each State to regulate abortion as its citizens wish.” *Dobbs*, 597 U.S. at 230. “[T]he authority to regulate abortion,” the Court held, “must be returned to the people and their elected representatives.” *Id.* at 292; *see id.* at 302 (“The Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion.”).

In returning the abortion issue to the states, the Court recognized that “the people of the various States may evaluate [the issue] differently”—some may prefer to deregulate abortion, while others “may wish to impose tight restrictions based on their belief that abortion destroys an ‘unborn human being.’” *Id.* at 256. But that was a feature, not a bug, of the promise of *Dobbs*: The citizens of each state may decide for themselves how to regulate abortion.

Telehealth shield laws are a direct response to *Dobbs*. They have virtually nothing to do with ensuring a shield-law state’s ability to regulate abortion *within* its borders. Instead, the whole point of a telehealth shield law is to facilitate abortions *outside* its borders—to promise shield-law state residents that they will not suffer legal or professional repercussions

for prescribing and mailing abortion drugs to a state where abortion is illegal.

That endeavor is a direct attack on *Dobbs*. For it brazenly seeks to subordinate pro-life states’ laws—which are based on “legitimate interests,” including “respect for and preservation of prenatal life” and “the protection of maternal health and safety,” *id.* at 301—to the policy preferences of pro-abortion states.

This is not hyperbole; these are the public representations of Defendants, proponents of telehealth shield laws, and those acting under the shield laws. New York Governor Kathy Hochul has emphasized that these laws are intended to “protect [those] who prescribe and send abortion pills to patients in states where abortion is outlawed.” Compl. ¶ 8. In adopting such laws, New York, Massachusetts, and California “are rejecting the [*Dobbs*] decision, and the thinking behind that decision.” *Id.* ¶ 35. And in operating under those laws, shield-law state residents are just as celebratory: “It made me so happy ... when [Justice Alito] wrote, ‘They’re undermining *Dobbs*.’ I was like *yeah, exactly*.” Martin, *One Pill at a Time*, *supra*.

The Court need only take Governor Hochul and others at their word: “[T]hey can’t stop us, they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back.” Compl. ¶ 8. This is an unabashed attack on *Dobbs* and on this Court’s authority to say what the law is. It is thus difficult to imagine a stronger reason for exercising this Court’s original jurisdiction in the first instance.

C. There Is No Other Suitable Forum.

Finally, although the Court sometimes has considered the availability of another forum, no such alternative is warranted or exists here.

1. This is not a case where the Court must “assume the role of a trial judge.” *South Carolina v. North Carolina*, 558 U.S. 256, 278 (2010) (Roberts, C.J., concurring in the judgment in part and dissenting in part) (citing *Ohio v. Wyandotte Chems. Corp.*, 401 U.S. 493, 498 (1971)). That is because of the purely legal nature of the issue presented: May a state construct a legal system for the avowed purpose of facilitating illegal abortions in a sister state? The answer to that question is governed by settled law in this Court’s precedents, *see infra* Section III, and it arises from the very face of the shield laws adopted by New York, Massachusetts, and California.

This is thus not a case where the “complexities” of “factual questions that are essentially ones of first impression” would impose an “unrealistic” burden on this Court. *Wyandotte Chems. Corp.*, 401 U.S. at 504. To the contrary, there is every reason to think that the Court will be able to resolve this case efficiently on cross-dispositive motions without the need for a special master.

2. There also is no other forum that could adequately consider, or provide a remedy for, the challenge in this case. *See, e.g., Missouri*, 180 U.S. at 241 (“An inspection of the bill discloses that the nature of the injury complained of is such that an adequate remedy can only be found in this court at the suit of the state of Missouri.”). That is so in four related respects.

First, as just noted, the core question is whether one sovereign state may structure its entire legal system to facilitate violations of a separate sovereign state’s laws. The sovereign-versus-sovereign nature of this controversy thus uniquely implicates this Court’s original and exclusive jurisdiction. U.S. Const. art. III, § 2, cl. 2; 28 U.S.C. § 1251(a). Indeed, because this Court’s jurisdiction is exclusive, all other federal courts are “necessarily denie[d] jurisdiction” over this case. *Mississippi*, 506 U.S. at 77–78.

Second, even if another court had jurisdiction, no other court could actually “resolve[]” “the issue tendered.” *Id.* at 77. As the Bill of Complaint details, each Defendant’s shield law comprises dozens of provisions scattered throughout the state’s legal codes—spanning criminal codes, codes of civil procedure, health and safety codes, insurance codes, and so on. Compl. ¶¶ 43, 49–54, 59. The sheer breadth of these provisions is what gives shield laws effect, for they are intended to eliminate all conceivable negative repercussions a shield-law state resident might face for illegally sending abortion drugs into a pro-life state.

But the same sheer breadth is what would prevent Plaintiff States from bringing a single lawsuit in a federal district court raising this challenge. It would be remarkably difficult, if not impossible, to identify suitable and suable defendants for each of a shield law’s provisions, much less group them together in a coherent Article III case or controversy. This suit avoids that problem by challenging New York, Massachusetts, and California’s ability to enact these policies of hostility in the first place.

Third, the very point of the shield laws is to *prevent* Plaintiff States and others from even filing a lawsuit

challenging the flood of abortion drugs within their borders. As discussed above, they do so, for example, through provisions rendering prescribers anonymous, and provisions preventing public and private individuals from disclosing any information that could illuminate this interstate scheme. They also do so by purportedly creating private rights of action that threaten ruinous liability against anyone that would dare file suit.

In this upside-down world, a sovereign state likely is the only entity with the available resources and risk protection that can bring a suit of this nature. Having created this world—and having attempted to close courthouse doors all over the country—Defendant States cannot avoid this Court’s original jurisdiction by insisting that another adequate forum exists.

Fourth, and finally, this suit is a critical component of Plaintiff States’ broader attempts to defend against these attacks on their sovereignty.

As the Court is aware, Louisiana has challenged the Biden Administration’s removal of the in-person dispensing requirement for FDA-approved mifepristone, which is flooding into Plaintiff States. *See* Compl. ¶ 25 & n.10. If Louisiana prevails in that challenge, Louisiana may obtain only partial relief because shield-law state residents have threatened to resort to using other drugs. *See id.*

Through a lawsuit filed today, *see Louisiana v. Nouhavandi*, No. 2:26-cv-3836 (W.D. La.), Plaintiff States also have sued nearly every shield-law state resident they have been able to identify as responsible for illegally dispensing abortion drugs within their borders. If Plaintiff States prevail in that challenge, however, they may obtain only partial relief because

other bad (and likely unidentifiable because of the shield laws) actors exist and may multiply as they seek to maintain abortion shipments into Louisiana, Arkansas, and Alabama.

That is what makes this final piece of the puzzle so important: Only in this Court may Louisiana, Arkansas, and Alabama directly target New York, Massachusetts, and California’s creation of a legal system designed to overrun Plaintiff States’ own sovereign, pro-life laws. Indeed, if Plaintiff States cannot press this suit here, then it appears unlikely that they could ever fully repel that invasion. That is the clearest of reasons to exercise this Court’s original jurisdiction.

III. PLAINTIFF STATES’ CLAIMS ARE PLAINLY MERITORIOUS.

If there were any doubt that this case is well suited for this Court’s original jurisdiction, the indisputably unlawful nature of Defendants’ shield laws would eliminate it. The Bill of Complaint preserves four independent routes to that conclusion—two of which, in tandem, present the most straightforward bases for invalidation: full faith and credit and the equal-sovereignty doctrine.

This Court’s longstanding full faith and credit precedents prohibit a sovereign state from adopting a “policy of hostility to the public Acts of a sister State.” *Franchise Tax Bd. of Cal. v. Hyatt*, 578 U.S. 171, 179 (2016) (quotation marks omitted). Indeed, not only can a state not adopt “a special—and hostile—rule” for her sister state, *id.* at 180 (citation omitted), but the state especially cannot adopt such a rule that would render “a State where [an] injury occur[s] ... powerless to provide any remedies or safeguards” “for acts occurring within her boundaries,” *Carroll v. Lanza*, 349 U.S.

408, 414 (1955). Full faith and credit neither permits nor “demands that subserviency from the State of the injury.” *Id.*

But how else to describe the telehealth shield laws of New York, Massachusetts, and California? By definition, they embody policies of hostility toward the laws of Louisiana, Arkansas, Alabama, and other pro-life states that have chosen life within their borders. By definition, they are intended to facilitate illegal abortions *in Plaintiff States*. And by definition, they are intended to render Plaintiff States powerless to enforce their laws against the violators of those laws. Indeed, the telehealth shield laws may present the most egregious full faith and credit violations that this Court has ever seen: For the shield laws have nothing to do with ensuring the availability of abortion *within* the borders of New York, Massachusetts, and California—they exist only to perpetuate abortions *outside* of those borders in Plaintiff States. That is classic “subserviency” barred by full faith and credit. *Id.*

It also points to the unambiguous violation of the “fundamental principle of equal sovereignty” among the states. *Shelby County v. Holder*, 570 U.S. 529, 544 (2013). Our Union is built upon states that are “equal in power, dignity[,] and authority.” *Id.* (citation omitted). That “constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized.” *Id.* (citation omitted).

The shield laws, however, exist solely to upset that constitutional balance. Where *Dobbs* assured each state that it could regulate abortion for itself, states like New York, Massachusetts, and California have unilaterally decreed abortion policy—their abortion

policy—for the Nation. As Governor Hochul has proclaimed, abortion must persist not only in shield-law states but also “in states where abortion is outlawed.” Compl. ¶ 8. That is not constitutional *equality*—it is constitutional *inequality*. This gambit thus squarely violates our constitutional structure. *See Nat’l Pork Producers Council v. Ross*, 598 U.S. 356, 376 n.1 (2023) (“[U]nder the Constitution’s horizontal separation of powers,” states generally may not impose regulations beyond “the territorial limits of state authority.”).

* * *

This case asks the Court to resolve one of the most dramatic and sweeping interstate conflicts in modern history. There can be no question about the seriousness of the interests at stake. Nor can there be any question that this is the appropriate forum to resolve the conflict, and that the shield laws at issue are plainly unlawful. If *Dobbs* is more than a parchment promise, then the Court’s exercise of original jurisdiction is urgently needed in this case to restore the equal sovereignty of the several states and the promise of *Dobbs*.

CONCLUSION

The Court should grant the Motion for Leave to File the Bill of Complaint.

Respectfully submitted,

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