

The CPC Industry as a Surveillance Tool of the Post-Roe State

The Alliance is re-issuing our groundbreaking 2021 report, *Designed to Deceive: A Study of the Crisis Pregnancy Center Industry in Nine States*, with an urgent warning about the role the newly expanded crisis pregnancy center (CPC) industry is poised to play in a post-Roe United States.

CPCs are anti-abortion organizations that target low-income people facing unintended pregnancies to prevent them from accessing abortion and contraception. In recent years, the anti-abortion movement has expanded and elevated the role of CPCs within the broader movement, in part by facilitating the coordination of sophisticated data collection and exploitation systems.¹



The contemporary CPC industry is a nationwide, government-funded, digitally sophisticated network that targets low-income pregnant people who may or may not be considering abortion, collects their sensitive medical and personal information, and feeds it to anti-abortion organizations that store big data without clear privacy protections.

In short, the CPC industry is now functioning as surveillance infrastructure for the anti-abortion movement, amassing data that could be used in pregnancy- and abortion-related prosecutions post-Roe, when abortion will likely be banned in at least 26 states.² The global anti-abortion group Heartbeat International, for example, stores “digital dossiers” on CPC clients, stating “Big data is revolutionizing all sorts of industries. Why shouldn’t it do the same for a critical ministry like ours?”³

“Intrusive data collection software and digital marketing systems are being developed and promulgated around the world by powerful and politically connected US-based anti-abortion organizations.” – Privacy International⁴



Now, a new wave of anti-abortion legislation advancing in state Legislatures aims to force pregnant people to go to CPCs and empower the government to target and track pregnant people and store their personal data.

Under the Radar: Funding the CPC Industry While Pushing for Criminalization

The radical regression of reproductive rights in this country has been engineered by politicians who dismiss the needs of their constituents to serve special-interest groups working to eliminate legal abortion. State lawmakers, in particular, have dutifully advanced thousands of boilerplate abortion restrictions despite warnings from medical experts that such legislation undermines public health and harms pregnant people. This year, using a case challenging one such restriction—a Mississippi ban on abortion after 15 weeks—the Court is widely expected to further gut or outright overturn *Roe*, reversing almost half a century of precedent.

While abortion restrictions make headlines, state lawmakers have simultaneously advanced a parallel strategy, mostly under the radar: expanding and revitalizing the crisis pregnancy center industry by diverting millions of dollars—including money to help poor children—to CPCs through state contracts.⁵

CPCs are collecting massive amounts of client data including detailed sexual and reproductive histories through in-person “counseling,” centralized online chat platforms, and smartphone apps.⁶ Investigations reveal CPC client data is stored in a proprietary anti-abortion movement platform designed to function as one mega-database that “serves the whole movement” who are “pulling on the same rope together.”⁷

As we move closer to the dismantling of *Roe*, anti-abortion lawmakers are closing the loop between these two strategies by pushing legislation to empower state-funded CPC networks to conduct government-sanctioned surveillance of pregnant people—and force pregnant people to go to them.

Despite deceptive claims to the contrary, the Alliance Study found most CPCs do not offer medical services, so most are not subject to medical privacy laws. The potential for privacy violations is profound and the consequences, if not addressed, could be dire—especially if abortion is criminalized and police investigations and state prosecutions become, as expected, common once again.

Legislation Advances to Convert State-funded CPCs into Surveillance Tools of the State

Last year, South Dakota launched an effort to revive a decade-old bill that would force anyone seeking an abortion to first go to a CPC or call a “virtual CPC” while explicitly imposing no duties or liabilities on the CPCs.^{8,9} Should this become law, pregnant people forced to go to CPCs will be asked personal and medical questions by staff or volunteers in organizations repeatedly shown to promote medical disinformation, anti-LGBTQ programming, and talking points discouraging use of contraception.

Similar bills, including legislation dubbed the “Every Mother Matters Act” (EMMA), which mandate that pregnant people seeking abortion care consult with a CPC or anti-abortion “care agent,” have been introduced in multiple states. The EMMA model was developed in part by Human Coalition Action, the political arm of Human Coalition, a group that runs “virtual” CPCs and works to advance digital tactics to intercept pregnant people searching online for abortion.^{10,11}

The first EMMA passed in Arkansas in 2021. EMMA-style bills have now been introduced in Oklahoma, Tennessee, and Texas. In some versions, such as the Texas bill, pregnant people forced to go to a CPC are assigned a “unique identifying number” that must be added to the patient’s medical record and tracked in a database maintained by the state.¹² An Iowa bill, if passed, will fund CPCs to digitally target pregnant people and “track key information throughout the entire cycle of the contractor’s interactions with a pregnant woman.”¹³

It is reasonable to predict such information will be used to support pregnancy- and abortion-related prosecutions after *Roe*. Even under *Roe*, anti-abortion prosecutors have signaled a robust appetite to prosecute pregnancy loss: Between 2006 and 2020, more than 1200 people were arrested or detained for pregnancy-related outcomes.¹⁴

When abortion is a crime, pregnant people are potential suspects, and any pregnancy outcome other than a healthy birth invites investigation and potential prosecution. Legal experts are warning about, and defense attorneys are preparing for, a new wave of mass incarceration expected to arise from a flood of abortion-related prosecutions in the wake of *Roe*.¹⁵

Pregnancy- and abortion-related prosecutions pose the greatest threat to groups already vulnerable to over-policing and mass incarceration, including low-income people, Black people and other people of color. As detailed in *Designed to Deceive*, these groups are the same people targeted by CPCs.

► ***Designed to Deceive: A Study of the Crisis Pregnancy Industry in Nine States*** is available at alliancestateadvocates.org.

For more information and media inquiries, contact us at info@alliancestateadvocates.org.

1. “A Documentation of Data Exploitation in Sexual and Reproductive Rights.” *Privacy International*, April 21, 2020, <https://privacyinternational.org/long-read/3669/documentation-data-exploitation-sexual-and-reproductive-rights>.
2. Elizabeth Nash and Lauren Cross, “26 States Are Certain or Likely to Ban Abortion Without *Roe*: Here’s Which Ones and Why.” *Guttmacher Institute*, October 28, 2021, <https://www.guttmacher.org/article/2021/10/26-states-are-certain-or-likely-ban-abortion-without-roe-heres-which-ones-and-why>.
3. Privacy International “Exploiting Data.”
4. Privacy International “Exploiting Data.”
5. Rachel Wormer, “Mapping Deception: A Closer Look at How States’ Anti-Abortion Center Programs Operate.” *Equity Forward*, accessed January 31, 2022, <https://equityfwd.org/research/mapping-deception-closer-look-how-states-anti-abortion-center-programs-operate>.
6. Privacy International “Exploiting Data.”
7. “Better Together.” *Next Level Center Management Solution*.
8. “Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem.” *ACLU*, October 25, 2021, <https://www.aclu.org/cases/planned-parenthood-minnesota-north-dakota-south-dakota-v-noem>.
9. “South Dakota House Bill No. 1217.” *South Dakota Legislature Legislative Research Council*, accessed January 31, 2022, <https://sdlegislature.gov/Session/Bill/2763/17818>.
10. “Human Coalition Action Applauds Introduction of the Every Mother Matters Act in Texas.” *Human Coalition Action*, February 25, 2021, <https://hucoaction.org/human-coalition-action-applauds-introduction-of-the-every-mother-matters-act-in-texas/>.
11. “Marketing Outreach.” *Human Coalition*, accessed January 31, 2022, <https://www.humancoalition.org/what-we-do/marketing-outreach/>.
12. “S.B. No. 802, By: Paxton et al., A Bill to be Entitled An Act relating to a required resource access assistance offer before an abortion is performed.” <https://capitol.texas.gov/tlodocs/87R/billtext/html/SB008021.htm>
13. “House File 515-Introduced.” *The Iowa Legislature*, accessed January 31, 2022, <https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=HF%20515>.
14. “Arrests and Prosecutions of Pregnant Women, 1973-2020.” *National Advocates for Pregnant Women*, September 18, 2021, <https://www.nationaladvocatesforpregnantwomen.org/arrests-and-prosecutions-of-pregnant-women-1973-2020/>.
15. “Abortion in America: How Legislative Overreach Is Turning Reproductive Rights Into Criminal Wrongs.” *National Association of Criminal Defense Lawyers*, August 18, 2021, <https://www.nacdl.org/AbortionCrimReport>.