



June 18, 2026

The Honorable Mikie Sherrill,
Governor of New Jersey
Office of the Governor



RE: ACLJ'S OPPOSITION TO SENATE BILL NO. 2260

Dear Governor Sherrill,

On behalf of the American Center for Law and Justice ("ACLJ"), we are writing to express our opposition to the policies contained in Senate Bill ("SB") 2260. The ACLJ opposes SB 2260 on behalf of itself and its over 640,000 supporters,¹ including nearly 9,500 New Jersey residents, who value freedom of speech, sanctity of life, parental rights, and interstate law enforcement.

The ACLJ is an organization dedicated to the defense of constitutional liberties, including the defense of the sanctity of human life. Counsel for the ACLJ have presented expert testimony before state and federal legislative bodies, and have presented oral argument, represented parties, and submitted amicus curiae briefs before the Supreme Court of the United States and numerous state and federal courts in cases involving a variety of issues, including those dealing with abortion and constitutional law. *See, e.g., Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022); *June Med. Servs. v. Russo*, 140 S. Ct. 2103 (2020); *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582 (2016); *Gonzales v. Carhart*, 550 U.S. 124 (2007); *Schenck v. ProChoice Network*, 519 U.S. 357 (1997); *Whitmer v. Linderman*, 973 N.W.2d 162 (Mich. 2022); *Oklahoma Call for Reprod. Justice v. O'Connor*, No. 120543 (Okla. 2022).

During its progress through the legislative process, SB 2260 has been amended several times. Most notably, § 5(5) and § 6(2), which would have amounted to egregious violations of the First Amendment, were stricken from the bill. However, these changes have not alleviated the concerns of the ACLJ. As it stands today, SB 2260 still poses a threat to the right of New Jerseyans to exercise their constitutionally protected freedom of speech.

¹ *Stop Barbaric New Abortion Laws*, ACLJ.ORG, <https://aclj.org/pro-life/stop-barbaric-new-abortion-laws> (last visited June 17, 2026).

SB 2260 also raises significant concerns about the rights of parents to make medical decisions on behalf of their children, as the bill opens the door to noncustodial adults transporting minors into the state to receive treatments against the wishes and consent of the parents or guardians. Further, SB 2260 undermines interstate cooperation and goodwill by restricting state agencies' ability to coordinate with out-of-state enforcement actions.

For these reasons that will be set forth in more detail below, we respectfully request that you issue a statement of your intent to veto SB 2260 for the threat that it poses to the freedom of speech, parental rights, and interstate law enforcement, should it come to your desk.

Legal Analysis of SB 2260

I. Background

Proponents of SB 2260 claim that the bill is primarily directed at protecting patient medical records. However, protection for patient records is only a small part of the bill. The main portion of the bill outlines the criminal consequences for “interference with reproductive health care services.” SB 2260 defines “Reproductive health care services” as to include:

all services, care, and products relating to pregnancy, assisted reproductive technology, contraception, miscarriage management, or abortion, and all supplies, care, and services of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, prescribing, or dispensing or supportive nature, including medication, to support a person’s alignment with their gender identity or expression.²

SB 2260 also prohibits the Governor of New Jersey from extraditing any person who has been charged in any other state with violating laws based on “reproductive health care.”³ In fact, SB 2260 goes even further, prohibiting all public entities, employees, appointees, and officers of New Jersey from even aiding an interstate investigation into criminal liability for “reproductive health care services” that are illegal in other states.⁴

II. Legal issues with SB 2260

SB 2260 raises several distinct legal issues that will have dire consequences if the bill is signed into law. Although amendments to the bill have alleviated some concerns about freedom of speech, the bill still negatively impacts other rights. For instance, SB 2260 will weaken the rights of parents across the country, as the bill effectively allows minors to cross into New Jersey to receive medical treatment against the wishes of their parents or guardians.

² S.B. 2260, S. Sess. 2026-2027 (N.J. 2026).

³ *Id.*

⁴ *Id.*

a. Threat to Freedom of Speech

i. Threat only Reduced by Removing § 5(5) and § 6(2)

The previous version of SB 2260 included § 5(5) and § 6(2), which made it a crime to “[cause] a reasonable person to suffer damage to the person’s business or personal reputation, financial harm . . . mental anguish, or emotional harm.” This stricken language posed a severe threat to the freedom of speech. Under the prior iteration of this bill, a person could have been charged with and convicted of a crime in the fourth degree if they cause financial damage to a person’s business, reputation, or emotions. Effectively, this meant that any person who exercised their right to freedom of speech by peacefully protesting abortion clinics, hospitals that provide transgender surgeries, and even pro-life pregnancy resource centers, would have been guilty of a crime and liable for fines a minimum of \$1,000.00.

Sections 5(5) and § 6(2)’s speech-inhibiting restrictions and corresponding penalties would have had a chilling effect on the First Amendment rights of New Jerseyans. For example, the bill would have exposed speakers to criminal and civil liability for merely persuading a woman to reconsider seeking an abortion, as this can be interpreted as causing “financial harm” to an abortion clinic which profits off women who obtain abortions. Section 5(5) and § 6(2) could also have been interpreted to criminalize speech that calls into question the practices of doctors who provide controversial transgender services, as this could cause reputational and financial “harm” upon those doctors who profit from mutilating-transgender surgeries on children. The clause that criminalizes causing a person emotional harm was similarly problematic, as it was open to wide interpretation and could have been construed to criminalize speech about abortion that the listener simply found objectionable. For example, protestors silently praying outside of an abortion facility may have been construed to have caused “emotional harm” if someone accessing the facility had an adverse emotional reaction to the sight of the praying protestors. As the bill creates liability for simply impacting the finances of a person’s business, a person’s reputation, or even their subjective emotions, the range of speech criminalized by SB 2260 is immense.

The Supreme Court has made it abundantly clear that such restrictions are unconstitutional. In the recent case of *Chiles v. Salazar*, the Court affirmed the sanctity and universality of the First Amendment, saying that, “[t]he Constitution does not protect the right of some to speak freely; it protects the right of all . . . it secures, even and especially, the right to voice dissenting views.”⁵ Similarly to the Colorado law scrutinized in *Chiles*, SB 2260 will result in “ongoing injur[ies] resulting from the statute’s chilling effect.”⁶ As § 5(5) and § 6(2) would have had such a chilling effect, the resulting injury to a person’s ability to exercise their right to freedom of speech would be directly traceable to the bill, giving Article III standing to anyone wishing to bring suit. By punishing citizens who simply wish to express their views on the contentious issues of abortion and transgenderism, § 5(5) and § 6(2) flew in the face of Supreme Court precedent and would have resulted in suits to challenge the bill’s constitutionality.

The New Jersey General Assembly wisely decided to strike § 5(5) and § 6(2) from SB 2260, and the ACLJ supports their decision to do so. However, the current version of SB 2260 still

⁵ *Chiles v. Salazar*, 146 S. Ct. 1010, 1024 (2026).

⁶ *Id.* at 1019.

imperils another important aspect of the freedom of speech: the right of physicians and licensed professionals to voice their disagreements on the “‘prudence’ and ‘ethics’ of various practices in their fields.”⁷

ii. Threat remains to Physicians and Licensed Professionals

As held by the Supreme Court under *Chiles*, the freedom of speech extends to physicians and licensed professionals.⁸ The right of these professionals to debate and disagree about the efficacy of various practices in their fields is an important part of the dialogue of a free and open society. Laws restricting the field of dialogue to an “applicable professional standard of care” present a violation of the right of physicians and licensed professionals’ freedom of speech. In *Chiles*, the Supreme Court put it this way:

A prevailing standard of care may reflect what most practitioners believe today, but it cannot mark the outer boundary of what they may say tomorrow. Far from a test of professional consensus, the First Amendment rests instead on a simple truth: “[T]he people lose” whenever the government transforms prevailing opinion into enforced conformity.⁹

In its definitions section, SB 2260 specifically singles out “conduct that would constitute a . . . deviation from the applicable professional standard of care” as conduct that is not afforded the same protections as other “[r]eproductive health care services,” such as abortion.¹⁰ Effectively, this means that organizations and medical professionals who seek to provide alternative services to abortion, such as the abortion pill reversal (APR), may not be afforded the same legal protections as other reproductive service providers. APR provides a woman with an additional choice if she wishes to continue her pregnancy after starting a medication abortion. The hormone used in APR, progesterone, is safe, FDA-approved, and widely used in reproductive medicine to prevent miscarriage, support fertility treatments, treat luteal phase defects, and prevent preterm birth. By making this distinction, SB 2260 discriminates against pro-life pregnancy resource centers and medical professionals who provide alternatives to abortion.

Recently, there has been an emerging pattern of legislation discriminating against pro-life pregnancy resource centers and medical professionals in various states across the country. An example of the “standard of care” begin used in such a discriminatory manner can be found in guidelines issued by the Massachusetts Department of Public Health. In a 2024 letter, the department warned that physicians and licensed professionals who deviated from “accepted practice[s],” such as merely offering APR, could be subject to discipline.¹¹ These attempts to prohibit use of progesterone come in spite of well accepted precedent that after the FDA approves a drug for use, doctors may prescribe the drug for off-label uses.¹² The FDA’s role is to evaluate

⁷ *Id.* at 1029.

⁸ *Id.*

⁹ *Id.*

¹⁰ S.B. 2260, S. Sess. 2026-2027 (N.J. 2026).

¹¹ *Clinic Licensure Requirements*, MASS DEPT. OF PUB. HEALTH (Jan 3, 2024) <https://www.mass.gov/doc/reminders-to-licensees-regarding-licensure-obligations-and-providing-standard-of-care-january-3-2024/download>.

¹² 12 FDA Drug Bulletin 4 (Apr. 1982) (*quoting Weaver v. Reagen*, 886 F.2d 194, 198 (8th Cir. 1989)) (“Once a product has been approved for marketing, a physician may prescribe it for uses or in treatment regimens or patient populations

safety and efficacy for specific labeled uses; the absence of FDA approval for a particular use does not constitute an FDA determination that the use is unsafe. Furthermore, the FDA does not regulate the *practice* of medicine - doctors must make determinations on what best serves the patient. Fortunately, these guidelines and pieces of legislation are facing intense scrutiny, and many have already been struck down. For instance, a recently enacted Colorado law banning APR was permanently blocked by a federal judge.¹³

By discriminating against pregnancy resource centers and pro-life medical professionals on the basis of what medical treatments they may discuss with their patients, SB 2260 infringes on the freedom of speech of physicians and other licensed professionals. The Supreme Court made it clear in *Chiles* that this kind of discrimination, based on the viewpoint of a practitioner, is an unconstitutional violation of the First Amendment.¹⁴ Should SB 2260 be signed into law, it will almost certainly face a challenge on these grounds.

b. Threat to Parental Rights

SB 2260's provision prohibiting New Jersey's law enforcement agencies from assisting with out-of-state enforcement actions relating to reproductive health care services creates a dangerous loophole that jeopardizes parental rights nation-wide.

SB 2260 currently provides:

A public entity of this State or employee, appointee, officer or official or any other person acting on behalf of a public entity shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any interstate or, to the extent permitted by federal law, federal investigation.¹⁵

Under this language, every agency of New Jersey, including every law enforcement agency, is prohibited from cooperating with the law enforcement agencies of other states if they are investigating a crime concerning "reproductive health care activity," which includes abortions and mutilating-transgender surgeries. These controversial procedures are regulated in a variety of ways in various states. In an increasing number of states, these practices are subject to rules and regulations that impose criminal and/or civil liability on violators. These statutory penalties have been enacted by states that seek to protect their citizens, particularly parents and their children, from harm. Such statutes protect citizens from harm in the same way all other criminal and civil statutes pertaining to other matters do. Currently, New Jersey's law enforcement cooperates with out-of-state agencies to assist their respective states in investigations concerning violations of their laws.

that are not included in approved labeling. Such 'unapproved' or, more precisely, 'unlabeled' uses may be appropriate and rational in certain circumstances, and may, in fact, reflect approaches to drug therapy that have been extensively reported in medical literature.")).

¹³ John Ingold, COLO. TO PAY \$6.1 MILLION OVER ATTEMPT TO BAN ABORTION PILL "REVERSAL", COLORADO SUN, (Jan. 19, 2026) <https://coloradosun.com/2026/01/19/abortion-pill-reversal-lawsuit-settlement/>.

¹⁴ *Chiles v. Salazar*, 146 S. Ct. at 1029.

¹⁵ S.B. 2260, S. Sess. 2026-2027 (N.J. 2026).

However, if SB 2260 is signed into law it will prevent New Jersey’s law enforcement from cooperating with out-of-state agencies investigating activity that is illegal in many other states. Of particular concern, SB 2260 will prohibit New Jersey’s law enforcement from investigating noncustodial adults who have transported minors into New Jersey to receive abortions and transgender surgeries against the express wishes of the minors’ parents. If a parent wishes to bring charges against such a noncustodial adult under the laws of their home state, they will be severely hampered in their ability to seek justice by New Jersey’s refusal to assist them.

Although SB 2260 provides that New Jersey law enforcement may still cooperate with out-of-state agencies in investigations of activities that are illegal in New Jersey, it nonetheless falls short of adequately safeguarding parental rights.¹⁶ This is because it would block out-of-state investigations into violations of parental consent if the “reproductive health care” was illegal in another state.

This feature of SB 2260 poses an especially grave threat to parents of minors who live in states that require parental consent for abortions and transgender surgeries. Under current New Jersey law, parental consent—and even simply notification—are not required for minors to receive an abortion.¹⁷ If SB 2260 is signed into law, it would allow adults who subject out-of-state minors to abortions and transgender surgeries to escape the legal consequences of performing these services in violation of the minor’s parents’ consent, even if such a violation were illegal in their home state. In this way, SB 2260 creates a dangerous loophole that strips all American parents of the right to make consequential medical decisions for their children.

SB 2260 impedes the right of parents from across America to make important medical decisions on behalf of their children by denying them the assistance of New Jersey’s law enforcement agencies.

III. Undermining Interstate Cooperation

In the same way that SB 2260 undermines parental rights, it also undermines the important practice of interstate cooperation. In prohibiting cooperation with out-of-state law enforcement agencies, SB 2260 frustrates the comity that exists between the states.

This is especially true in regard to that fact that SB 2260 specifically targets which interstate enforcement actions that New Jersey’s law enforcement is prohibited from participating in. By singling out enforcement actions that pertain to “reproductive health care,” SB 2260 discriminates specifically against those states which have such laws. The U.S. Supreme Court has made it clear through its rulings that abortion policy is to be left to the individual states to decide. Through discriminating against these specific states, SB 2260 appears as a type of retaliatory rebuke, subverting the principle that abortion policy should be left to the states.

Additionally, if SB 2260 is signed into law it may result in a cascade of similar prohibitions against cooperation in other states. By signing SB 2260 into law, New Jersey runs the risk of escalating a tit-for-tat exchange of targeted legislation across the nation.

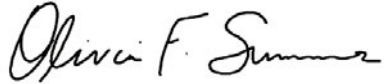
¹⁶ *Id.*

¹⁷ *Planned Parenthood of Cent. N.J. v. Farmer*, 165 N.J. 609 (2000).

CONCLUSION

For the reasons stated above, the ACLJ opposes SB 2260 and respectfully requests that you also oppose the bill.

Sincerely,



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