

Commonwealth of Kentucky
Office of the Attorney General

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February 7, 2023

Mr. Jeremy Stoppelman, CEO
Yelp, Inc.
140 New Montgomery Street, 9th Floor
San Francisco, CA 94105

Re: Yelp Must Not Discriminate Against Crisis Pregnancy Centers

Dear Mr. Stoppelman:

Last year, some Democrats in Congress pressured the CEO of Alphabet¹ to discriminate against pro-life crisis pregnancy centers in Google search results, in online advertising, and in other products, such as Google Maps.² Attorneys General from 17 states responded, making clear that if Google failed to resist such pressure they would “act swiftly to protect American consumers from this dangerous axis of corporate and government power.”³ Yelp appears to be trending down this same path.

Late last year, Yelp announced that it would do what Google had been pressured to do: engage in discrimination against crisis pregnancy centers.⁴ Specifically, Yelp

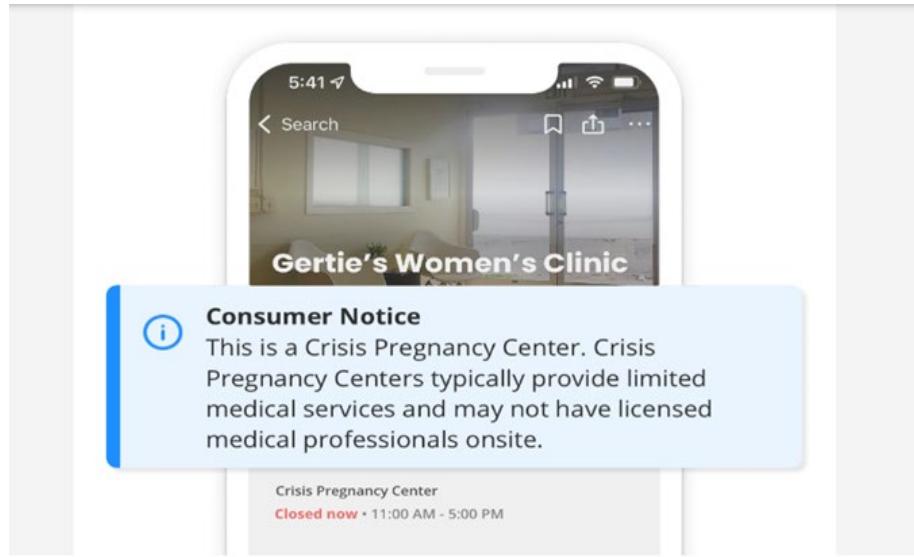
¹ Alphabet Inc., is the parent company of Google.

² Letter from U.S. Senator Mark Warner et al. to Sundar Pichai, CEO of Alphabet Inc. (June 17, 2022), available at <https://bit.ly/3RMi28f>.

³ Letter from Attorney General Jason S. Miyares and Attorney General Daniel Cameron, et al. to Sundar Pichai, CEO of Alphabet Inc. (July 21, 2022), <https://ag.ky.gov/Press%20Release%20Attachments/State%20Attorneys%20General%20Letter%20to%20Google%20July%202021,%202022.pdf>.

⁴ Noorie Malik, *Providing Consumers with Reliable Information about Reproductive Health Services*, YELP BLOG (Aug. 23, 2022), <https://blog.yelp.com/news/providing-consumers-with-reliable-information-about-reproductive-health-services/>. The announcement’s first sentence—which begins, “Following the Supreme Court decision to overturn *Roe v. Wade* and *Planned Parenthood v. Casey*”—suggests political motivations, rather than consumer concerns, drove Yelp’s decision.

declared that it would begin issuing so-called “Consumer Notices” for the business pages of crisis pregnancy centers.⁵ Yelp contends that these notices will “inform[] consumers that [crisis pregnancy centers] typically provide limited medical services and may not have licensed medical professionals onsite.”⁶ Below is an example of the Consumer Notice:



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The announcement goes on to say that Yelp will “recategoriz[e] business pages to distinguish crisis pregnancy centers from other reproductive healthcare providers on Yelp.”⁸

Together, these benignly labeled “recategorizations” and “Consumer Notices” constitute a scheme to discredit crisis pregnancy centers and to discourage women and families from accessing their services. For the following reasons, Yelp should rescind its August announcement immediately and stop discriminating against crisis pregnancy centers:

- The information in Yelp’s Consumer Notice is misleading;
- Yelp seemingly has failed to issue Consumer Notices for abortion facilities operated by Planned Parenthood and related organizations, which typically provide limited medical services and may not have licensed medical professionals onsite; and

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* (noting that Yelp has engaged in such recategorizations since 2018) (cleaned up).

- Recategorizing crisis pregnancy centers diverts women and families from services that they need and that crisis pregnancy centers provide.

First, Yelp's Consumer Notice is misleading because it is overbroad. The notice flags *every* crisis pregnancy center as "typically provid[ing] limited medical services," regardless of the kind of medical services a center actually offers. Likewise, the notice flags *every* crisis pregnancy center as one that "may not have licensed medical professionals onsite," regardless of whether the center actually has licensed medical professionals onsite.

Dozens of crisis pregnancy centers operate in Kentucky.⁹ New Hope Pregnancy Center,¹⁰ Haven Care Center,¹¹ First Choice Clinic,¹² and Alpha Pregnancy Care Center are but four examples.¹³ Yelp has issued a Consumer Notice for each of these centers.¹⁴ Yet all four centers offer free pregnancy tests and free ultrasounds. New Hope Pregnancy Center offers "lab-quality" pregnancy tests that are 99.9% accurate.¹⁵ First Choice Clinic offers testing for sexually transmitted infections (STIs).¹⁶ Haven Care Center lists two registered nurses, one advanced practice registered nurse, and one physician assistant as members of its team.¹⁷ And at Alpha Pregnancy Care Center, they "guarantee a licensed medical professional conducts all of [their] services."¹⁸ Clearly, these centers should not be flagged for "provid[ing] limited medical services" or for not "hav[ing] licensed medical professionals onsite."

The staffing and services provided by these four centers are representative of the staffing and services provided by crisis pregnancy centers nationwide. In 2019, the Charlotte Lozier Institute surveyed 2,700 crisis pregnancy centers across America. The survey revealed that 80% of locations offered free ultrasounds, 810 locations

⁹ Kentucky – KY Pregnancy Resource Centers, Help in Your Area (2022), <https://helpinyourarea.com/kentucky/>.

¹⁰ NEW HOPE PREGNANCY CENTER (2022), <https://newhopecenter.com>.

¹¹ HAVEN CARE CENTER (2022), <https://havencarecenter.org/>.

¹² FIRST CHOICE CLINIC (2022), <https://www.fccofsomerset.org/>.

¹³ ALPHA (2022), <https://alphapcc.org/>.

¹⁴ New Hope Center, YELP, <https://www.yelp.com/biz/new-hope-center-falmouth?osq>New+Hope+Pregnancy+Center> (last visited Oct. 17, 2022); Haven Care Center, YELP, <https://www.yelp.com/biz/haven-care-center-danville?osq>Haven+Care+Center> (last visited Oct. 17, 2022); First Choice Clinic of Somerset, YELP, <https://www.yelp.com/biz/first-choice-clinic-of-somerset-somerset?osq=First+Choice+Clinic> (last visited Oct. 27, 2022); Alpha Pregnancy Care Center, YELP, <https://www.yelp.com/biz/alpha-pregnancy-care-center-hopkinsville?osq=Alpha> (last visited Oct. 27, 2022).

¹⁵ Pregnancy Tests, NEW HOPE PREGNANCY CENTER (2022), <https://newhopecenter.com/services/pregnancy-tests/>.

¹⁶ Services, FIRST CHOICE CLINIC, <https://www.fccofsomerset.org/services>.

¹⁷ About, HAVEN CARE CENTER (2022), <https://havencarecenter.org/about/>.

¹⁸ Pregnancy Testing, ALPHA (2022), <https://alphapcc.org/services/pregnancy-testing/>.

offered testing for sexually transmitted diseases (STDs), and, collectively, the centers employed 10,215 licensed medical professionals.¹⁹ The survey also found that in 2019 these crisis pregnancy centers served nearly two million people, providing services and material assistance worth over \$266 million.²⁰ Flagging such centers for “provid[ing] limited medical services” or for not “hav[ing] licensed medical professionals onsite” is misleading.

Second, Yelp discriminates against crisis pregnancy centers when Yelp issues a Consumer Notice for their business pages but refuses to issue notices for the pages of Planned Parenthood and related facilities. Recent statistics indicate that 46% of abortions occur via surgery and 54% are drug-induced.²¹ Yet, many abortion facilities do not operate onsite emergency rooms to handle surgery-related complications.²² And we are aware of no data showing that all abortion facilities are consistently staffed with the clinicians who prescribe and dispense abortion-inducing drugs.²³ In fact, reports indicate that some abortion sites rely on out-of-state physicians who fly in from “1,800 miles away.”²⁴ Consequently, to the extent that any business should be flagged for “provid[ing] limited medical services” or for not “hav[ing] licensed medical professionals onsite,” it should be Planned Parenthood and other abortion facilities. The fact that Yelp has apparently applied the Consumer Notice only to crisis pregnancy centers means that Yelp has singled out crisis pregnancy centers for disparate treatment.²⁵ This sort of discrimination is unacceptable.

Third, recategorizing crisis pregnancy centers in a way that diverts women and families from such centers is misguided. Crisis pregnancy centers provide medical services that are needed, and, in many instances, crisis pregnancy centers are better

¹⁹ Moira Gaul, *Fact Sheet: Pregnancy Centers – Serving Women and Saving Lives (2020 Study)*, Charlotte Lozier Institute (July 19, 2021), <https://lozierinstitute.org/fact-sheet-pregnancy-centers-serving-women-and-saving-lives-2020/>. The 10,215 licensed medical professionals accounted for 25% of all paid staff and 12% of all volunteers.

²⁰ *Id.*

²¹ Brittany Shammas et al., *The most common abortion procedures and when they occur*, THE WASHINGTON POST (last updated June 24, 2022), <https://www.washingtonpost.com/health/2022/06/21/abortion-procedures/>.

²² This is why over twenty states require abortion facilities and providers to maintain a relationship with a hospital. See *Targeted Regulation of Abortion Providers*, GUTTMACHER INSTITUTE (last updated Sept. 1, 2022), <https://www.guttmacher.org/state-policy/explore/targeted-regulation-abortion-providers>.

²³ See *id.* (observing that just 19 states require the clinician providing the abortion-inducing drug to be physically present when the medication is administered).

²⁴ Sharon Bernstein & Gabriella Borter, *In post-Roe U.S., abortion providers seek licenses across state lines*, REUTERS (June 25, 2022), <https://www.reuters.com/world/us/post-roe-us-abortion-providers-seek-licenses-across-state-lines-2022-06-25/> (noting that one physician plans to fly 1,800 miles from California to Kansas to staff an abortion facility).

²⁵ As noted previously, many crisis pregnancy centers *do* provide considerable medical services and *do* have licensed medical professionals onsite.

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positioned than any other facility to deliver those services.²⁶ In 2021, there were over 3,600,000 births in the United States.²⁷ That same year, sexually transmitted infections (STIs) hit a record high.²⁸ And as of November 1, 2022, at least ten states required the performance of an ultrasound before an abortion.²⁹ In sum, the ultrasounds, STI/STD testing, and pregnancy tests offered at crisis pregnancy centers are in great demand. Yelp should not discourage access to those services because it seemingly disapproves of the provider.

For these reasons, we, the 24 undersigned Attorneys General, demand that Yelp rescind its August announcement immediately and stop discriminating against crisis pregnancy centers.

Sincerely,



DANIEL CAMERON
Attorney General of Kentucky



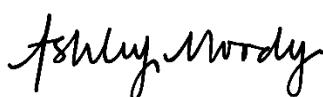
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²⁶ Women Have Real Choices, CHARLOTTE LOZIER INSTITUTE (2022), <https://lozierinstitute.org/realchoices/#quick-facts> (indicating there are over four times as many pro-life pregnancy centers as Planned Parenthood facilities).

²⁷ Brady E. Hamilton et al., *Births: Provisional Data for 2021*, VITAL STATISTICS RAPID RELEASE REP. NO. 20 (May 2022), available at <https://www.cdc.gov/nchs/data/vsrr/vsrr020.pdf>.

²⁸ Alice Miranda Ollstein, *New CDC data: STD rates shot up in 2021*, POLITICO (Sept. 15, 2022), <https://www.politico.com/news/2022/09/15/cdc-data-std-rates-2021-00056811>. Though there are slight differences between STDs and STIs, the terms are often used interchangeably, which is the case here.

²⁹ *Requirements for Ultrasound*, GUTTMACHER INSTITUTE (last updated Sept. 1, 2022), <https://www.guttmacher.org/state-policy/explore/requirements-ultrasound>.

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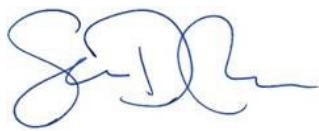
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