

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, APRIL 09, 2024**

MINUTE ORDER NO. 21

SUBJECT: ENSURING CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS (DISTRICTS: ALL)

OVERVIEW

The U.S. Supreme Court decision to overturn Roe v. Wade in June 2022 turned-back the clock on decades of legal protections and the federal right to access abortion. States across the nation have been actively working to outlaw abortion access - most recently, in spring of 2023, a Texas federal judge's decision to issue a ruling against the abortion medication Mifepristone has the potential to be detrimental to an estimated 64 million child-bearing persons across the United States; this includes people living in safe haven states like California, and locally here in San Diego County.

Mifepristone is an oral medication taken with Misoprostol to terminate an early-stage pregnancy by blocking the hormone progesterone. It can also be utilized to aid in the process when a person is suffering from a pregnancy loss and can help prevent individuals from needing surgery or waiting for the pregnancy to pass on its own, which can take up to eight weeks. This medication has been well-tested, FDA approved since the year 2000, and has been on the market for twenty-three years. It is widely utilized and seen as a safe course of treatment. Recently, it has been made accessible at certain retail pharmacies in states like New York, California, Pennsylvania, Massachusetts, and Illinois. Additionally, Mifepristone has been a game-changer for people living in rural areas where access to abortion clinics is limited or non-existent, as it has been available by mail when an individual consults with a certified health provider or their doctor.

While the federal court case was appealed by the Department of Justice (DOJ) on April 12th, 2023, the appeals court tried to strip Mifepristone authorization for use in pregnancy up to ten weeks, and its availability to be mailed to those in need. This would have only allowed use until the seventh week of pregnancy, which can often be too late as one third of women find out they are pregnant after the sixth week, and twenty percent of individuals find out they are pregnant after the seventh week. This would leave individuals with an incredibly short period of time to seek care for an abortion or pregnancy loss- for individuals living in remote areas or states with less access to care, and those that rely on medication-based treatment, this can determine whether they will get treatment at all.

While DOJ worked with the Biden Administration and Danco to reinstate the full use of Mifepristone by escalating the issue to the Supreme Court last year, this was only temporary, and the oral arguments were heard in March of 2024, with a pending decision by summer- this process will take time and it is not certain. While the State of California previously secured an emergency stockpile of a Misoprostol which can be used on its own as a safe and effective abortion treatment. It is imperative that the County of San Diego works to ensure there is a plan in place to secure continued access to abortion medication such as Misoprostol and Mifepristone, so it is readily available for those that need it across the region.

This Board Letter requests the Board take action to adopt a "Resolution to Ensure Continued Access to Medication-Based Abortion Treatment for San Diegans." It directs the Interim Chief Administrative Officer to advocate for regulatory, budgetary, and legislative efforts to strengthen access to abortion medication. Additionally, this item directs the Interim Chief Administrative Officer to explore options

with the State of California to ensure that there is adequate access, including the feasibility of an emergency stockpile of Misoprostol and Mifepristone and be prepared to act to advocate with our local medical providers, clinics, and telehealth providers to ensure continued availability of abortion medication such as Misoprostol and Mifepristone where needed.

RECOMMENDATION(S)

VICE-CHAIR TERRA LAWSON-REMER

1. Adopt Resolution titled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO ENSURE CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS.
2. In accordance with Board policy M-2, direct the Interim Chief Administrative Officer to add to the County's 2024 Legislative Program support for regulatory, budgetary, and legislative efforts that strengthen access to abortion medications such as Misoprostol and Mifepristone.
3. Direct the Interim Chief Administrative Officer to explore options to ensure that there is adequate access to Misoprostol and Mifepristone available to the San Diego region and be prepared to act to advocate with our local medical providers, clinics, and telehealth providers to ensure continued availability of abortion medication such as Misoprostol and Mifepristone. Pending the Supreme Court's decision, report back on next steps and fiscal impacts.

EQUITY IMPACT STATEMENT

When safe and legal access to abortion and reproductive care is limited, restricted, or jeopardized—people of color, immigrants, young individuals, and people with low incomes are often the first to be impacted. It is imperative that the County of San Diego be at the forefront in defending and protecting the right to an abortion and reproductive care and increase public awareness about what services are available within our local communities.

SUSTAINABILITY IMPACT STATEMENT

The proposed actions to adopt a resolution to ensure continued access to medication-based abortion treatment and actions to ensure access Misoprostol and Mifepristone will help to further the County of San Diego's Sustainability Goals through ensuring equity and access to important medical resources locally and will help promote the health and well-being of San Diegans. By ensuring this medication is readily available and amply stocked locally, it may also reduce greenhouse gas emissions that may be a repercussion of individuals traveling to specific destinations for this medication.

FISCAL IMPACT

There is no fiscal impact associated with today's item. There may be future fiscal impacts based on the recommendations from today's action. Any such recommendation would return for consideration and approval by the Board.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

A motion was made by Supervisor Lawson-Remer, seconded by Supervisor Montgomery Steppe, for the Board of Supervisors to take action as recommended.

AYES: Lawson-Remer, Montgomery Steppe

NOES: Desmond

NOT PRESENT: Vargas, Anderson

(Motion failed due to the lack of affirmative votes.)

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



Signed

by Andrew Potter