



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: May 24, 2022

25

TO: Board of Supervisors

SUBJECT

**IN SUPPORT OF EFFORTS TO AMEND THE CALIFORNIA STATE CONSTITUTION
TO ENSHRINE THE RIGHT TO CHOOSE (DISTRICTS: ALL)**

OVERVIEW

This year marked the 49th anniversary of *Roe v. Wade*, the 1973 United States Supreme Court decision that determined the U.S. Constitution provides a right to privacy that protects a person's right to terminate a pregnancy. Prior to *Roe v. Wade*, abortion had been illegal throughout much of the country. The Supreme Court is poised to overturn *Roe v. Wade* and thereby allow states to make abortion illegal within their borders.

Research suggests that the health of pregnant people will be put at risk without the right to choose, and maternal deaths will be inequitably concentrated among people living in poverty and people of color, with Black individuals already three times more likely to die during birth than white individuals.

As a result of years of advocacy, California has been recognized as the state with the strongest protections of rights to reproductive freedom. In light of the possibility that *Roe v. Wade* could be overturned, Governor Newsom, Senate President pro Tempore, and California Assembly Speaker are seeking to ensure the State Constitution reflects these California values. In contrast, if *Roe v. Wade* is overturned, over two dozen states are likely to ban abortions or severely restrict access, with at least 13 states already having passed "trigger laws" that would ban abortions immediately or shortly after such a decision.

This board letter recommends that the San Diego County Board of Supervisors adopt a resolution to formally support efforts to enshrine in the California Constitution a person's right to choose whether to give birth. The proposed resolution is consistent with this Board's previous actions. On September 20, 2021, the Board of Supervisors approved a board letter "Declaring San Diego County a Reproductive Justice Champion." In that vote, the Board chose to "model and commit to defend and fight for reproductive freedom and welcome all those seeking to fully exercise their reproductive rights and access safe legal abortion." This action will help to ensure there is no

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doubt as to the right to abortion in our region and State and demonstrate the County of San Diego stands with all as a safe harbor for a woman's right to choose.

RECOMMENDATION(S)

VICE-CHAIR NORA VARGAS AND SUPERVISOR LAWSON-REMER

1. Adopt the Resolution titled: A RESOLUTION IN SUPPORT OF EFFORTS TO AMEND THE CALIFORNIA CONSTITUTION TO ENSHRINE THE RIGHT TO CHOOSE

EQUITY IMPACT STATEMENT

Restrictions and bans that violate reproductive freedom disproportionately impact populations that already face barriers to accessing care—people of color, people with low incomes, immigrants, and young people. Access to abortion has often been a right in name only, with many unable to access the medical procedure due to restrictive laws, financial hardships, and other barriers. As states around the country enact extreme laws that violate the fundamental right to decide whether or not to terminate a pregnancy, the County of San Diego is committed to continuing to uphold reproductive freedom for all.

FISCAL IMPACT

There is no fiscal impact associated with today's recommended actions. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On January 22, 1973, the Supreme Court's decision in *Roe v. Wade* ruled that the U.S. Constitution protects a person's right to privacy to choose whether or not to terminate a pregnancy. This was a landmark legal decision that struck down a Texas statute banning abortion, effectively legalizing the procedure across the United States. Prior to *Roe v. Wade*, abortion had been illegal throughout much of the country. At that time, abortions were legal in Texas but only for the purpose of saving a person's life.

Looking at our nation's recent history can provide a glimpse into a future without the federal protections provided by *Roe v. Wade*. Before abortion was legalized across the United States, individuals with the financial means could obtain abortions by traveling to other countries where procedures were safe and legal or pay a large fee to a U.S. doctor willing to secretly perform an abortion, but those options were out of reach for many individuals. As a result, some people resorted to illegal, dangerous, or self-induced abortions. Between the 1950s and the 1960s the estimated number of illegal abortions ranged from 200,000 to 1.2 million per year, according to the Guttmacher Institute. Before abortion was legalized, entire hospital wards were filled with

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individuals senselessly harmed by illegal, unsafe abortions. Access to abortion care protects a person's life and their health.

In 1969, more than three years before the *Roe v. Wade* decision, the California Supreme Court recognized that the fundamental right of a person to choose whether to give birth is protected by the U.S. Constitution and State Constitution. In 1972, the people of California amended the California Constitution to enshrine a right to privacy that provided further protection of the right to reproductive freedom. In 2002, California enacted the Reproductive Privacy Act, which makes the fundamental right to choose to obtain an abortion the official public policy of the State of California.

Unlike California, other states have undermined the rights that were recognized by *Roe v. Wade*. In the last five months, nearly 550 restrictive abortion pieces of legislation have been introduced. Recently, Texas Senate Bill 8 (SB 8) went into effect, banning abortions in Texas as early as six weeks, becoming one of the most restrictive bans in the country and taking away access for millions of individuals. Oklahoma has passed a law that is a near total ban on abortions. Numerous other states have followed suit in recent months.

Abortion access in the U.S. has been narrowing; there are fewer health centers, longer drives, and more restrictions. Restricting the conditions under which an abortion can be performed has undeniable, devastating, and disproportionate impacts on populations that already face barriers to accessing medical care —communities of color, people with low incomes, immigrants, and young people. Abortion patients are disproportionately poor and low-income, with poor being defined as those under 100 percent of the federal poverty level and low-income being those between 100 percent and 199 percent of the federal poverty level. These restrictive laws and conditions, which severely limit the access to a safe and legal abortion, force individuals to remain pregnant or result in people seeking alternative options that can be dangerous and more expensive. Facing restrictive laws, those seeking a legal abortion may be forced to seek care elsewhere, often having to travel long distances and incur additional costs to an already tight budget to seek the medical attention they need.

There is significant bipartisan support among the public for the right to choose, with an overwhelming majority of California adults opposing the reversal of *Roe v. Wade* according to a 2021 survey conducted by the Public Policy Institute of California. Not a single demographic group in this survey supports overturning *Roe v. Wade*, with a majority of women, men, Democrats, Republicans, Independents, and all ethnic groups backing the right to choose, including 77 percent of Californians, 79 percent of likely state voters, and 80 percent in Orange County and San Diego.

Considering the possibility that *Roe v. Wade* could be overturned, Governor Newsom, Senate President pro Tempore, and California Assembly Speaker are seeking to ensure the State Constitution guarantees the right to choose. This Board Letter recommends adopting a resolution that supports efforts to amend the California Constitution to enshrine the right to choose. The proposed resolution supports the Board's previous resolution "Declaring San Diego County a Reproductive Justice Champion." In that action, the Board expressed its commitment to "defend

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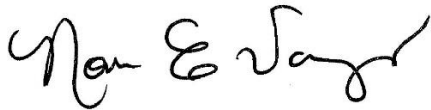
and fight for reproductive freedom and welcome all those seeking to fully exercise their reproductive rights and access safe legal abortion.”

This action will help to ensure there is no doubt as to the right to abortion in our region and State and demonstrate the County of San Diego stands with all as a safe harbor for a woman’s right to choose.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed action to adopt a resolution in support of a California State constitutional amendment enshrining the right to reproductive freedom supports the Building Better Health and Living Safely Strategic Initiatives in the County of San Diego’s 2022-2027 Strategic Plan initiatives of Equity by reducing health disparities and ensuring equal opportunity for health.

Respectfully submitted,



NORA VARGAS
Supervisor, First District



TERRA LAWSON-REMER
Supervisor, Third District

ATTACHMENT(S)

A Resolution in Support of Efforts to Amend the California State Constitution to Enshrine the Right to Choose