



# **TERRA LAWSON-REMER**

## **VICE-CHAIR**

**SUPERVISOR, THIRD DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS**

### **AGENDA ITEM**

**DATE:** **April 30, 2024**

**29**

**TO:** **Board of Supervisors**

**SUBJECT**

**RECONSIDERATION OF ENSURING CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS, AGENDA ITEM 21 FROM APRIL 9, 2024 (DISTRICTS: ALL)**

**OVERVIEW**

On April 9, 2024 (21), the Board of Supervisors considered this item. The motion failed due to the lack of required affirmative votes. Under Rule 6(k) of the Board of Supervisors Rules of Procedure, as a Supervisor that voted in the majority on the item, I am requesting reconsideration of this item.

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 12<sup>th</sup>, 2023, the appeals court tried to strip Mifepristone authorization for use in pregnancy up to ten weeks,

**SUBJECT: RECONSIDERATION OF ENSURING CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS, AGENDA ITEM 21 FROM APRIL 9, 2024 (DISTRICTS: ALL)**

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. Approve the request for reconsideration of this item. If the Board approves recommendation 1, then the Board may consider the following recommendations.
2. 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
3. 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.
4. 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.

**SUBJECT: RECONSIDERATION OF ENSURING CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS, AGENDA ITEM 21 FROM APRIL 9, 2024 (DISTRICTS: ALL)**

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. At this time, there will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

On April 9, 2024 (21), the Board of Supervisors considered this item. The motion failed due to the lack of required affirmative votes. Under Rule 6(k) of the Board of Supervisors Rules of Procedure, I am requesting reconsideration of this item. The Rule states:

Any member of the Board who votes in the majority on a question, as well as any member who while serving as a member was absent for a vote on a question, is eligible to make a motion to reconsider.

A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place, provided members of the public in attendance during the original

**SUBJECT: RECONSIDERATION OF ENSURING CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS, AGENDA ITEM 21 FROM APRIL 9, 2024 (DISTRICTS: ALL)**

action are still present in the session. In all other cases, motions for reconsideration must be placed on a future agenda for action.

Unless a member was absent, a motion to reconsider must be placed on the agenda for the next regular Board meeting. A member who was absent must place a motion to reconsider on the agenda for the next regular Board meeting after the regular Board meeting at which that member was absent.

A motion to reconsider shall require a majority vote. A motion to reconsider, if lost, shall not be renewed and an action shall not be reconsidered a second time except by a 4/5th vote of the Board.

Since the vote on this item on April 9, 2024 (21) was 2-1, with Supervisor Lawson-Remer and Supervisor Montgomery Steppe voting in favor, Supervisor Desmond voting no, and Supervisor Vargas and Supervisor Anderson absent, as a Supervisor that voted in the majority on the item, I am requesting reconsideration of the item.

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.

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While Misoprostol is still available on its own as a medication-based abortion treatment regimen. With the potential regulations that could be placed on Mifepristone in summer of 2024, it would be in much higher demand. The State of California previously secured an emergency stockpile of two-million Misoprostol pills in the wake of the Texas federal judge’s decision to try and ban Mifepristone.

It is imperative that we explore options, including working with the State on the feasibility of an emergency stockpile, to ensure continued access to both Misoprostol and Mifepristone for the San

**SUBJECT: RECONSIDERATION OF ENSURING CONTINUED ACCESS TO MEDICATION-BASED ABORTION TREATMENT FOR SAN DIEGANS, AGENDA ITEM 21 FROM APRIL 9, 2024 (DISTRICTS: ALL)**

Diego region, so that individuals seeking abortion or pregnancy loss care, are provided with access to these necessary medications.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

This proposed action supports the Equity in Health Initiative in the County of San Diego's 2024-2029 Strategic Plan through focusing on reducing disparities and ensuring better access to health care services.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Terra Lawson-Remer".

TERRA LAWSON-REMER  
Vice Chair, Third District

**ATTACHMENT(S)**

ATTACHMENT A: 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