

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: August 4, 2022

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Awak Keotahian - rg For* Council File No: 22-0002-S102
Chief Legislative Analyst Assignment No: 22-07-0462

SUBJECT: Access to Reproductive Rights

CLA RECOMMENDATION: Adopt Resolution (Bonin – Raman) to include in the City’s 2021-2022 State and Federal Legislative Program SUPPORT and/or SPONSORSHIP of any legislation or initiative that use federal resources and property to preserve and increase access to reproductive and abortion rights.

SUMMARY

On June 28, 2022, the Resolution (Bonin – Raman) was introduced in Council seeking support and/or sponsorship of any legislation or initiative that use federal resources and property to preserve and increase access to reproductive and abortion rights. The Resolution states that the Supreme Court has eliminated the constitutional right to an abortion that was first established by the 1973 Roe V. Wade decision. This decision is expected to result in significant disparities in health outcomes for women, especially women already lacking equal access to family planning and abortion care, women living in rural areas, low income women, women of color, and Black women who are also disproportionately affected by higher maternal mortality rates. The Resolution also states that several Democratic senators and congressmembers, including U.S. Senator Elizabeth Warren and U.S. Representative Alexandria Ocasio-Cortez, have written to President Biden urging him to issue an executive order directing the federal government to develop a national plan to defend American's reproductive rights, including their right to an abortion.

The Resolution makes reference to actions the Federal Drug Administration may take with regard to abortion medication and access; the issuance of travel vouchers to individuals who lack access to reproductive healthcare in their state; and steps the Department of Health and Human Services can take with respect to protecting patient privacy associated with reproductive healthcare.

Therefore, the Resolution recommends support and/or sponsorship of any legislation or initiative, such as these proposals, that use federal resources and property to preserve and increase access to reproductive and abortion rights.

BACKGROUND

On June 24, 2022, the Supreme Court reversed Roe V. Wade, declaring that the constitutional right to abortion, upheld for nearly a half century, no longer exists. Since the Supreme Court’s decision, several senators and congressmembers, including U.S. Senator Elizabeth Warren and U.S.

Representative Alexandria Ocasio-Cortez have written to the President urging him to issue an executive order directing the federal government to develop a national plan to defend American's reproductive rights, including their right to an abortion.

Through the letter, several proposals have been made including increasing access to abortion medication by having the Federal Drug Administration (FDA) issue regulations to further expand access to abortion inducing medication, as it did in December 2021 when it relaxed restrictions in the way mifepristone, an abortion medication, is dispensed (previously only in person). Providing resources for individuals seeking abortion care in other states has also been proposed. Through this proposal federal agencies are urged to explore opportunities to provide resources such as vouchers for travel, child care services, and other forms of support for individuals seeking to access abortion care that is unavailable in their home state.

Another proposal calls for the use of federal property and resources to increase access to abortion. This proposal urges the Department of Justice and all relevant agencies to analyze the types of reproductive health services that could be provided on federal property, including abortion clinics, especially in states where such services are limited by state law. This proposal also calls for the Department of Defense to assess the feasibility of moving military personnel and their families to ensure that members and their families can access reproductive health care when they need it.

Furthermore, a proposal is included that calls for the Department of Health and Human Services' (HHS) Office for Civil Rights to clarify protections for sensitive health and location data. This proposal specifically calls for clarification on how websites or mobile applications that collect information related to reproductive health (such as period trackers) should protect personally identifiable information, and other sensitive data, especially given the risks presented by the sale of this data in states that criminalize reproductive decision making. Overall, senators, congressmembers and other proponents recognize that these proposals are only starting points and that permanent actions must be taken to preserve and increase access to reproductive.

Xochitl Ramirez - rg
Xochitl Ramirez
Analyst

SMT:xr

Attachment: 1. Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies, proposed to or pending before a local, state or federal governmental body or agency, must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Supreme Court upheld abortion restrictions in Mississippi thereby eliminating the constitutional right to an abortion that was first established in the 1973 Roe V. Wade decision; and,

WHEREAS, there is virtually no precedent in U.S. law in which a right ruled fundamental by the Supreme Court has been completely rescinded; and,

WHEREAS, the majority decision in Dobbs v. Jackson Women's Health Organization will have almost immediate negative impact upon millions of women, as nearly two dozen states have already passed laws restricting abortion rights, and 13 states previously passed "trigger" bans on abortion which will go into effect within 30 days of the Supreme Court Decision overturning Roe; and,

WHEREAS, prior to the Supreme Court's decision abortion coverage was already highly dependent on where a person lives; and,

WHEREAS, the patchwork of laws across states will result in significant disparities in health outcomes for women, especially women already lacking equal access to family planning and abortion care, women living in rural areas, low income women, women of color, and Black women who are also disproportionately affected by higher maternal mortality rates; and,

WHEREAS, several Democratic senators and congressmembers, including U.S. Senator Elizabeth Warren and U.S. Representative Alexandria Ocasio-Cortez, wrote to President Biden urging him to issue an executive order directing the federal government to develop a national plan to defend American's reproductive rights, including their right to an abortion; and

WHEREAS, the President can direct the leaders of every federal agency to explore options to protect abortion rights, including: the use of federal property and resources to increase abortion access such that reproductive care and abortions can occur on those properties and be exempt from the state's abortion laws; and,

WHEREAS, the Federal Drug Administration (FDA) can issue regulations to further expand access to abortion inducing medication, as it did in December 2021 when it relaxed restrictions in the way mifepristone, an abortion medication, is dispensed (previously only in person); and,

WHEREAS, federal agencies can explore the option to provide resources such as travel vouchers, childcare services, and other supports for individuals where access to abortion care is not available in their state; and,

WHEREAS, federal agencies like the Office for Civil Rights within the Department of Health and Human Services (HHS) can clarify how websites and mobile applications that collect reproductive health data and personal identifiable information should protect said data from the risks presented by the sale of personal and private health information in states that criminalize reproductive care; and,

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WHEREAS, the HHS can encourage states to use their own medicaid funds, which are not governed by the Hyde Amendment, to cover abortion services and expand other family planning services as well as pursue more aggressive enforcement of federal requirements which guarantee that medicaid beneficiaries have the ability to seek family planning services from their provider of choice; and,

WHEREAS, the president can move swiftly to protect reproductive care and abortion rights by way of executive order through these and other proposals; and,

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-22 State and Federal Legislative Program sponsorship and/or support of any legislation or initiative, such as the aforementioned proposals, that use federal resources and property to preserve and increase access to reproductive and abortion rights.

PRESENTED BY:



MIKE BONIN
Councilmember, 11th District

SECONDED BY:



Nithya Raman
Councilmember, 4th District

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