MISSING ORIGINAL LEGISLATION

Resolution / Ordinance Number: 79503

City Council Meeting Date: OCT 04 2005

Agenda Item No. S-10.13CC (05-0640)

Recorded Vote: 8 Ayes

Reason for Missing Legislation:

✓ **Draft submitted in the agenda packet, original not received.**

____ **Resolution was amended on the floor at the Council meeting.**

Responsible Contact Information:

Department: Councilmember Nadel

Contact Person/Ext.: _____

Notes:

DRAFT

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER NADEL

A Resolution declaring Opposition to Proposition 73 "Waiting Period and Parental Notification Before Termination of Minor's Pregnancy. Initiative Constitutional Amendment."

WHEREAS, in 1953, a state law was enacted that allowed minors to receive, without parental consent or notification, the same types of medical care for a pregnancy that are available to an adult; and

WHEREAS, in 1987, the Legislature amended this law to require minors to either obtain the consent of a parent or a court before obtaining an abortion; however, the 1987 amendment law was never implemented due to legal challenges, and ultimately struck down in 1997 by the California Supreme Court as unconstitutional and a violation of young women's right to privacy and a threat to their health; and

WHEREAS, the proposed Proposition 73 would require, *with certain exceptions (medical emergency, parental waiver, court waiver)*, a physician (or his or her representative) to notify the parent or legal guardian of a pregnant minor *at least 48 hours before performing an abortion* involving that minor through personal written notification to the parent or guardian, or through mail notification to the parent or guardian by certified mail, return receipt requested; and

WHEREAS, one *exception* to the reporting requirement, the judicial bypass, offers little if any protection because (1) many teens lack knowledge of court procedures or live in rural areas and cannot easily access a judge in a timely fashion, (2) some judges are anti-choice and will not grant a waiver to teens even under the most compelling of circumstances, (3) some young women cannot talk to their parents about this issue, and going before a judge is daunting and unrealistic, and (4) the unwanted pregnancy may be the result of parental abuse; and

WHEREAS, physicians are required by this proposition to file a form reporting certain information to the state Department of Health Services within one month after performing an abortion on a minor, including the identity of the physician, the date and place where the abortion was performed, the minor's month and year of birth, and certain other information about the circumstances under which the abortion was performed; and

WHEREAS, most parents' top priority is to ensure that their teens are safe and healthy, mandatory parental notification laws do nothing to keep teens safe or promote family communication, rather they make scared, pregnant teens who cannot go to their parents do scary things, such as turning to illegal, self-induced or back-alley abortions, instead of going to the doctor to get the medical help they need; and

WHEREAS, the impact of this proposition on state health care programs, state administrative costs, juvenile and appellate court costs and social service costs will likely exceed several million dollars annually; and

WHEREAS, the California Nurses Association, California Academy of Family Physicians, Planned Parenthood, NARAL Pro-Choice California, the ACLU, and the California Medical Association all oppose Proposition 73, because the realization is that mandatory notification laws may sound good, but, in the real world, they just put teenagers in real danger; now therefore be it

RESOLVED, that the Oakland City Council does hereby oppose Proposition 73; and be it

FURTHER RESOLVED, that the City of Oakland joins with other leading organizations in the Bay Area and throughout California in opposing Proposition 73 and its deleterious effects on privacy rights, family and communication relations, health and safety, and the economy.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES–

NOES–

ABSENT–

ABSTENTION–

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California