

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PRO TEMPORE SHENG THAO

RESOLUTION IN SUPPORT OF CALIFORNIA STATE ASSEMBLY BILL 1666 (BAUER-KAHAN), WHICH WOULD DECLARE ANY OTHER STATE'S LAW AUTHORIZING CIVIL ACTION AGAINST REPRODUCTIVE CHOICE AS CONTRARY TO THE PUBLIC POLICY OF CALIFORNIA AND PROHIBIT ITS APPLICATION OR ENFORCEMENT IN STATE COURT

WHEREAS, in 1973, the United States Supreme Court ruled that the Constitution of the United States protects a pregnant woman's liberty to choose to have an abortion through the decision commonly known as *Roe v. Wade*; and

WHEREAS, in 2002, the California State Legislature passed the Reproductive Privacy Act, which states, "The state may not deny or interfere with a woman's right to choose or obtain an abortion prior to viability of the fetus, or when the abortion is necessary to protect the life or health of a woman;" and

WHEREAS, since the *Roe v. Wade* decision, several states have passed laws curtailing a pregnant woman's right to choose to have an abortion; and

WHEREAS, since the *Roe v. Wade* decision, numerous state legislatures and state governors have expressed their desire to see *Roe v. Wade* overturned; and

WHEREAS, on May 19, 2021, the state of Texas passed Texas Senate Bill 8, which among other things, allows almost any individual to sue a person who provides or "aids and abets" an abortion after approximately six weeks of gestation; and

WHEREAS, Texas Senate Bill 8's language is so broad that anyone who offers information or referrals for abortion care, drives a patient to a facility, helps pay for an abortion, or even intends to do so could face a civil suit and be required to pay the plaintiff's court costs; and

WHEREAS, the State of California has previously affirmed a pregnant woman's right to have an abortion in state law; and

WHEREAS, California State Assembly Member Rebecca Bauer-Kahan has recently introduced Assembly Bill 1666, which would declare any other state’s law authorizing civil action against reproductive choice to be against the public policy of California and unenforceable by California courts; and

WHEREAS, Assembly Bill 1666 would help protect California abortion providers and those who assist patients from costly lawsuits; now, therefore, be it

RESOLVED: That the City Council hereby endorses AB 1666 (Bauer-Kahan) and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California