

APPROVED AS TO FORM AND LEGALITY

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CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER KALB

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**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 2091 (BONTA) THAT  
WOULD ENHANCE PRIVACY PROTECTIONS FOR ABORTION-  
RELATED MEDICAL RECORDS AND ENSURE THAT ABORTION-  
RELATED MEDICAL RECORDS CANNOT BE SUBPOENAED BY LAW  
ENFORCEMENT FOR OUT-OF-STATE CLAIMS**

**WHEREAS**, reproductive rights, i.e. having the ability to decide whether and when to have children are important to the socioeconomic well-being and overall health of people who may become pregnant; and

**WHEREAS**, research suggests that being able to make decisions about one's own reproductive life and timing of one's entry into parenthood is associated with greater relationship stability and satisfaction, more work experience amongst those who may become pregnant, increased wages and average earnings, and whether a person who may become pregnant attends and completes college; and

**WHEREAS**, Roe v. Wade was a landmark decision of the U.S. Supreme Court in 1973 in which the Court ruled that the Constitution of the United States generally protects the liberty to choose to have an abortion; and

**WHEREAS**, Planned Parenthood v. Casey was a decision of the U.S. Supreme Court in 1992 in which the Court upheld the right to have an abortion as established by Roe v. Wade; and

**WHEREAS**, religious conservatives and conservative legislators have led a movement to overturn Roe v. Wade since it was decided; and

**WHEREAS**, Dobbs v. Jackson Women's Health Organization was a landmark decision decided in June 2022 in which the U.S. Supreme Court held that the Constitution of the United States does not confer a right to abortion, and overruled both Roe v. Wade and Planned Parenthood v. Casey; and

**WHEREAS**, the Dobbs v. Jackson Women’s Health Organization decision has cleared the way for many states enact strict bans on abortions and other states will follow causing approximately 36 million people who may become pregnant to lose access to abortion care; and

**WHEREAS**, this loss of access to abortion care will lead to some people who may become pregnant performing abortions on themselves or seeking illegal abortions, both of which may lead to injury or the loss of their lives; and

**WHEREAS**, this loss of access to abortion care will lead to some people who may become pregnant birthing children they do not want and may not be able to afford; and

**WHEREAS**, this loss of access to abortion care will lead to some people who may become pregnant birthing children and giving them up for adoption further burdening and foster care and adoption systems that could lead to those children experiencing emotional trauma; and

**WHEREAS**, California had laws protecting access to abortion within its own borders and protecting the privacy of those seeking abortions long before the Dobbs v. Jackson Women’s Health Organization decision was handed down; and

**WHEREAS**, California had laws protecting access to abortion within its own borders, including the 2019 California Proclamation on Reproductive Freedom, long before the Dobbs v. Jackson Women’s Health Organization decision was handed down; and

**WHEREAS**, California’s leadership is rapidly moving to shore up and expand access to abortion during this year’s legislative session after the decision of Dobbs v. Jackson Women’s Health Organization was handed down by introducing 15 bills and budget proposals; and

**WHEREAS**, legal experts predict courtroom battles between California and other states over whether doctors can be sued or prosecuted for providing abortion services to those who traveled to California from states that prohibit abortions; and

**WHEREAS**, legal experts predict courtroom battles between California and other states over whether doctors can be sued or prosecuted for providing abortion services to those who traveled to California from states that prohibit abortions; and

**WHEREAS**, Assembly Bill 2091 (AB 2091) introduced by Assemblymember Mia Bonta would prohibit compelling a person to identify or provide information that would identify an individual who has sought or obtained an abortion in a state, county, city, or other locality in a criminal, administrative, legislative, or other proceeding if the information is being requested based on another state’s laws that interfere with a person’s right to choose or obtain an abortion or a foreign penal civil action, as defined; and

**WHEREAS**, AB 2091 would prohibit a provider of health care, a health care service plan, or a contractor from releasing medical information related to an individual seeking or obtaining an abortion in response to a subpoena or a request if that subpoena or request is based on either another

state's law that would interfere with a person's rights to choose or obtain an abortion or a foreign penal civil action; and

**WHEREAS**, AB 2091 would prohibit issuance of a subpoena if the submitted foreign subpoena relates to a foreign penal civil action; and

**WHEREAS**, AB 2091 would prohibit prison state staff from disclosing identifying medical information related to an incarcerated person's right to seek and obtain an abortion if the information is being requested based on another state's laws that interferes with a person's right to choose or obtain an abortion or a foreign penal civil action; now therefore be it

**RESOLVED:** That the City of Oakland supports Assembly Bill 2091 (Bonta), a bill that would 1) prohibit compelling identification in a of an individual who sought or obtained an abortion in a criminal, administrative, legislative procedure if the information is being requested based on another state's laws that interfere with a person's right to choose or obtain an abortion or a foreign penal civil action, as defined; 2) prohibit a provider of health care, a health care service plan, or a contractor from releasing medical information related to an individual seeking or obtaining an abortion in response to a subpoena is that subpoena or request is based on either another state's law that would interfere with a person's rights to choose or obtain an abortion or a foreign penal civil action; 3) would prohibit issuance of a subpoena if the submitted foreign subpoena relates to a foreign penal civil action; and 4) would prohibit prison state staff from disclosing identifying medical information related to an incarcerated person's right to seek and obtain an abortion if the information is being requested based on another state's laws that interferes with a person's right to choose or obtain an abortion or a foreign penal civil action; and be it

**FURTHER RESOLVED:** That the City Council directs the Administrator or his designee to distribute this Resolution upon its adoption to Governor Gavin Newsom, Assemblymember Mia Bonta, and state legislators representing the City of Oakland.

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, Californi