Resolution recognizing Abortion as Healthcare, objecting to Texas Senate Bill 8 and urging approaches that uplift autonomy for women and other birthing people; urging the Biden Administration and Congress to pass legislation protecting Reproductive Rights; and declaring the City and County of San Francisco a Champion of Reproductive Freedom and Justice.

WHEREAS, On September 1, 2021, the Texas anti-abortion law, known as Senate Bill 8 (SB 8), became law, undermining Roe v. Wade, blocking access to abortion after six (6) weeks of pregnancy, and taking away a woman’s right to choose; and

WHEREAS, SB 8, is the only abortion ban earlier than 20 weeks that is in effect in the nation; banning abortion as soon as cardiac activity (heartbeat) is detectable; and

WHEREAS, Six weeks is only two weeks after a missed period, assuming a 28-day menstrual cycle; this is before many, if not most, women and birthing people know that they are pregnant, and amounts to a near complete ban on abortion in Texas, as 85% of abortion procedures in the state happen after the sixth week of pregnancy; and

WHEREAS, The definition of pregnancy in SB 8 is medically inaccurate, defining the length of pregnancy as beginning from the first day of the woman’s and birthing persons last menstrual period; and

WHEREAS, The impact deprives Texas women and birthing people of nearly all options for abortion services; and

WHEREAS, SB 8 sets a dangerous precedent and puts reproductive freedom across the nation at risk; and
WHEREAS, Limiting access to reproductive healthcare, including systematically stripping birthing people of access to abortion, is not only a transgression against basic human reproductive rights but is also an assault on dignity and autonomy; and

WHEREAS, While access to abortion is the forefront concern regarding SB 8, the debate surrounding it is emblematic of the continued work to subvert the rights of women, birthing people, and people living in poverty; this is the resistance women and allies have made throughout history to defend their basic humanity; and

WHEREAS, On August 31, 2021, the Supreme Court of the United States (SCOTUS) declined to prematurely block Senate Bill 8 from going into effect, and on September 1, 2021, SCOTUS declined to block SB 8 in a 5-4 ruling; and

WHEREAS, Roe v. Wade, the landmark SCOTUS decision providing the “right to privacy” which protects the right for pregnant people to choose to have an abortion prior to viability is in imminent danger of being overturned; and

WHEREAS, Every conservative state has the ability and now the blessing from the SCOTUS to make abortion illegal, and if red states follow Texas’ model, other states can throw their abortion laws into legal limbo, too, where, for now, almost no abortions are allowed to go forward and while we may technically still have the "right" to abortion in the U.S., in many states the ability to access abortion is virtually gone; and

WHEREAS, TRAP laws, targeted restrictions on Abortion Providers have already chipped away abortion access in many states; and

WHEREAS, In dissenting, SCOTUS Justice Sonia Sotomayor said: “The court’s order is stunning, presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of justices have opted to bury their heads in the sand.”; and
WHEREAS, This Texas law deputizes private individuals to sue anyone who performs
an abortion procedure or “aids and abets” it; delegating enforcement of the prohibition to the
populace at large to a Court that has never dealt with this question; and

WHEREAS, Aiding and abetting also falls on Uber and Lyft drivers who transport those
seeking an abortion to a hospital, simultaneously incentivizing community policing through a
minimum of $10,000 financial payout for successful suits, where Plaintiffs with no connection
to the birthing person can also obtain attorney fees and an injunction for “outing” those
needing an abortion; and

WHEREAS, Aiding and abetting also falls on the communities supporting women and
birthing people seeking to make decisions regarding their bodies, further isolating people who
might seek community support or trusted council and further criminalizes those who “intends
to engage in the conduct” of aiding and abetting, putting those who would even think to help
women and birthing people needing an abortion at risk; and

WHEREAS, SB 8 does not have an exception for cases of rape, forcing women and
birthing people who have been victims of sexual assault to carry pregnancies to term that are
the result of their assault; and

WHEREAS, As a result of SB 8, access to safe abortion in Texas will no longer be
available; women and birthing people in Texas will now be forced to travel to other states or
carry an unwanted pregnancy and abortion providers and supporters will face legal attacks
with the new Texas anti-abortion law in place; and

WHEREAS, There are already news stories coming out that Texas abortion providers
have stopped providing abortions to women and birthing people who could previously receive
one and may not have even realized this law was coming into effect; and

WHEREAS, Women and birthing people will continue to need abortion options and now
may seek dangerous alternatives, even if it means risking their lives; and
WHEREAS, Low-income Black and Brown and Indigenous women and birthing people will be disproportionately affected by the abortion ban, as 20% of Black and Brown women in Texas live in poverty and won’t have the means to seek treatment out-of-state; and

WHEREAS, Prior to SB 8, access to an abortion was already difficult for women and birthing people in Texas, where women and birthing people were required to make at least two trips to an abortion provider; the first trip required a sonogram and received state-mandated paperwork about alternatives and risks associated with terminating and requiring the birthing person to wait 24 hours before the procedure, all while often receiving biased counseling before seeking treatment; and

WHEREAS, In response to SB 8, House Speaker, Nancy Pelosi plans to bring up legislation that would codify Roe v. Wade nationwide; and

WHEREAS, On September 7, 2021, Mexico’s Supreme Court voted to Decriminalize Abortion; and

WHEREAS, NARAL Pro-Choice CA, Planned Parenthood Northern California Action Fund, the San Francisco Women’s Political Committee (SFWPC), Department on the Status of Women, the Human Rights Commission, and Women’s March San Francisco, are committed to advocating and fighting to protect access to reproductive care; solemnly believing that women and other birthing people alone, hold the right to make decisions about their bodies and futures; and supporting safe access to abortion in Texas and everywhere; now, therefore, be it

RESOLVED, That the City and County of San Francisco recognizes Abortion as Healthcare and rejects Texas Senate Bill 8; and

FURTHER RESOLVED, That the Board of Supervisors and City and County of San Francisco commit to passing and implementing legislation that uplifts women and birthing people’s choices regarding their bodies and advancing Reproductive Justice; and
FURTHER RESOLVED, That the City and County of San Francisco urges the Biden Administration and Congress to act swiftly in passing and implementing legislation at the federal level to protect Reproductive Rights and Freedom; and

FURTHER RESOLVED, That the City and County of San Francisco refuses to entertain assertions that the dignity and autonomy of women and birthing people are open to negotiation, and declares that it is a Champion of Reproductive Freedom and Justice; and

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco further directs the Clerk of the Board to transmit copies of this Resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the U.S. Senators for the State of California upon passage.
Resolution recognizing Abortion as Healthcare, objecting to Texas Senate Bill 8 and urging approaches that uplift autonomy for women and other birthing people; urging the Biden Administration and Congress to pass legislation protecting Reproductive Rights; and declaring the City and County of San Francisco a Champion of Reproductive Freedom and Justice.

September 14, 2021 Board of Supervisors - ADOPTED
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210955

I hereby certify that the foregoing Resolution was ADOPTED on 9/14/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

9/24/2021

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

9/24/2021

Date