

1 [Recognizing Abortion as Healthcare - Condemning Texas Senate Bill 8]

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

8

9 WHEREAS, On September 1, 2021, the Texas anti-abortion law, known as Senate Bill
10 8 (SB 8), became law, undermining Roe v. Wade, blocking access to abortion after six (6)
11 weeks of pregnancy, and taking away a woman’s right to choose; and

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

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

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

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

23 WHEREAS, SB 8 sets a dangerous precedent and puts reproductive freedom across
24 the nation at risk; and

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1 WHEREAS, Limiting access to reproductive healthcare, including systematically
2 stripping birthing people of access to abortion, is not only a transgression against basic
3 human reproductive rights but is also an assault on dignity and autonomy; and

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

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

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

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

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

21 WHEREAS, In dissenting, SCOTUS Justice Sonia Sotomayor said: “The court’s order
22 is stunning, presented with an application to enjoin a flagrantly unconstitutional law
23 engineered to prohibit women from exercising their constitutional rights and evade judicial
24 scrutiny, a majority of justices have opted to bury their heads in the sand.;;” and

25

1 WHEREAS, This Texas law deputizes private individuals to sue anyone who performs
2 an abortion procedure or “aids and abets” it; delegating enforcement of the prohibition to the
3 populace at large to a Court that has never dealt with this question; and

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

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

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

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

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

24 WHEREAS, Women and birthing people will continue to need abortion options and now
25 may seek dangerous alternatives, even if it means risking their lives; and

1 WHEREAS, Low-income Black and Brown and Indigenous women and birthing people
2 will be disproportionately affected by the abortion ban, as 20% of Black and Brown women in
3 Texas live in poverty and won't have the means to seek treatment out-of-state; and

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

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

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

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

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

23 FURTHER RESOLVED, That the Board of Supervisors and City and County of San
24 Francisco commit to passing and implementing legislation that uplifts women and birthing
25 people's choices regarding their bodies and advancing Reproductive Justice; and

1 FURTHER RESOLVED, That the City and County of San Francisco urges the Biden
2 Administration and Congress to act swiftly in passing and implementing legislation at the
3 federal level to protect Reproductive Rights and Freedom; and

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

7 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
8 Francisco further directs the Clerk of the Board to transmit copies of this Resolution to the
9 President and Vice President of the United States, to the Speaker of the House of
10 Representatives, to the Majority Leader of the Senate, to the U.S. Senators for the State of
11 California upon passage.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 210955

Date Passed: September 14, 2021

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