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SB-1142 Abortion services. (2021-2022)

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Senate Bill No. 1142

CHAPTER 566

An act to add Sections 123430 and 123452.5 to the Health and Safety Code, relating to maternal health.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1142, Caballero. Abortion services.

Existing law, the Reproductive Privacy Act, prohibits the state from denying or interfering with a person'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 the person. The act defines "abortion" as a medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth. Existing law establishes the Abortion Practical Support Fund, administered by the Department of Health Care Access and Information, for the purpose of providing grants to increase patient access to abortion.

This bill would require the California Health and Human Services Agency, or an entity designated by the agency, to establish an internet website where the public can find information on abortion services in the state. The bill would require the Department of Health Care Access and Information to annually evaluate the grant program funded by the Abortion Practical Support Fund and report its findings to the Legislature. The bill would also make related findings and declarations, and would specify that it is to be construed to effectuate its legislative intent to support access to abortion in California and build upon California's commitment to be a reproductive freedom state.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Abortion care is a constitutional right and an integral part of comprehensive sexual and reproductive health care, and overall health and well-being.
- (b) In May 2019, Governor Gavin Newsom signed a Proclamation on Reproductive Freedom reaffirming California's commitment to ensuring access to reproductive health care services, including abortion.
- (c) If the United States Supreme Court overturns the protections under *Roe v. Wade*, people in over one-half of the states in the country, over 36,000,000 women and other people who may become pregnant, will lose access to abortion care.
- (d) In December 2021, more than 40 organizations joined together to form the California Future of Abortion Council to identify barriers to abortion services and recommend proposals to support equitable and affordable access to abortion care for Californians and all who seek care in California.

(e) California is committed to building upon existing protections to the right to abortion and implementing innovative and bold programs and policies to truly be a reproductive freedom state.

(f) People seeking abortion care often experience obstacles to access care, including cost, distance to the nearest available provider, gas or other transportation needs, lodging, child care, lost wages due to lack of available or usable sick time, and other necessities such as food during travel.

(g) Many people such as immigrants, young people, foster youth, people with disabilities, and unhoused people experience additional barriers.

(h) For decades, abortion funds, abortion providers, and other community-based organizations have provided direct and indirect support to callers and patients with logistical and practical support needs. These funds assist patients seeking abortion services within California, patients traveling to California, and when patients need to travel outside of California for care.

(i) The unmet need for logistical and practical support for people seeking abortions is far greater than the resources that are currently available through California's sole statewide abortion fund and, therefore, abortion providers and community-based organizations must currently independently fundraise to meet these needs.

(j) In California, there is a significant need for practical support to ensure access to abortion for Californians. The organizations providing support are heavily impacted by the increase in abortion restrictions across the country and the need for patients to travel to receive care.

(k) As more patients come from out of state, abortion fund organizations, abortion providers, and other community-based organizations that offer practical support need financial support to meet the demand of people needing care.

SEC. 2. Section 123430 is added to the Health and Safety Code, to read:

123430. (a) (1) To ensure people have accurate and comprehensive information when accessing abortion services in California, on or before July 1, 2023, the California Health and Human Services Agency, or an entity designated by the agency, shall establish an internet website where the public can access information on abortion services in the state.

(2) The internet website established pursuant to paragraph (1) shall include all of the following information and resources:

(A) A person's legally protected rights to an abortion under state law.

(B) The location of abortion providers or links to the information in the state. Location information shall be posted and updated in a manner that allows people to easily identify the health care providers that provide abortion in the state.

(C) Practical support services, such as airfare, lodging, ground transportation, gas money, meals, dependent childcare, doula support, and translation services, to help a person access and obtain an abortion.

(D) Payment support resources, including coverage options, state programs, and other assistance that is available to help people with the cost of the abortion procedure.

(E) General description of the available types of abortion.

(F) Information to combat misinformation and disinformation, and ensure that people have comprehensive and medically accurate counseling and support services.

(G) Any other information or resources that will assist an individual seeking comprehensive and accurate information about exercising their legal right to abortion and accessing abortion services in the state.

(3) The agency shall consult with subject matter experts when determining the information and resources posted on the internet website. "Subject matter experts" include, but is not limited to, the Commission on the Status of Women and Girls, the Department of Justice, the State Department of Health Care Services, the Department of Managed Health Care, and organizations that represent patients, providers, and assistants that obtain, provide, or assist a pregnant person to access an abortion.

(4) The internet website shall have mobile capabilities.

(5) The internet website shall comply with Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations, and any laws or regulations governing the accessibility of state internet websites.

(6) The agency, in consultation with the subject matter experts, shall review the information and resources on the internet website to ensure that it is current and updated at reasonable intervals, but no less than once every six months. The website

shall contain a feature to allow users to report erroneous or outdated information.

(b) The internet website and informational materials created and distributed pursuant to this section shall be made available in a manner to ensure that they are accessible by all state residents. The internet website and informational materials shall be translated into Spanish, Chinese, Tagalog, Vietnamese, and Korean and in compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code).

(c) Notwithstanding subdivision (a), the internet website established pursuant to this section shall not include the name or location of any individual who is an abortion provider.

SEC. 3. Section 123452.5 is added to the Health and Safety Code, to read:

123452.5. The department shall conduct an evaluation of the grant program implemented pursuant to Section 123452 and shall report its findings to the Legislature no later than January 1, 2025, and on an annual basis no later than each January 1 thereafter. The first annual report shall cover the period before July 1, 2024. Each subsequent annual report shall cover the previous fiscal year. The department may use moneys in the fund, upon appropriation by the Legislature, for the evaluation of the program. The report shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 4. This act shall be construed to effectuate its legislative intent to support access to abortion in California and build upon California's commitment to be a reproductive freedom state. The United States Supreme Court overturned the protections to access abortion under *Roe v. Wade*. For decades, abortion funds, abortion providers, and other community-based organizations have provided direct and indirect support to callers and patients with logistical and practical support needs. The purpose of this act ensures that people seeking abortion care have access to the logistical and practical support resources needed to diminish barriers to care. The purpose of this act and all of its provisions, with respect to the powers granted, shall be interpreted to effectuate that intent and those purposes to support organizations in California that provide support and resources to people seeking abortion.