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City Attorney

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November 1, 2022

DAWN A. MCINTOSH
Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Long Beach In Opposition to the Proposed National Abortion Ban Legislation S.4840, the "Protecting Pain-Capable Unborn Children from Late-Term Abortions Act", and H.R.1080, the "Pain-Capable Unborn Child Protection Act"; and referring said opposition to the Federal Legislative Committee for inclusion in the 2023 Federal Legislative Agenda. (Citywide)

DISCUSSION

Pursuant to the City Council's request on October 11, 2022, this Resolution has been prepared and is submitted for the Council's review and consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

A handwritten signature in black ink, appearing to read "Monica J. Kilaita".

Monica J. Kilaita
Deputy City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH IN OPPOSITION TO THE PROPOSED NATIONAL ABORTION BAN LEGISLATION S.4840, THE "PROTECTING PAIN-CAPABLE UNBORN CHILDREN FROM LATE-TERM ABORTIONS ACT", AND H.R.1080, THE "PAIN-CAPABLE UNBORN CHILD PROTECTION ACT"; AND REFERRING SAID OPPOSITION TO THE FEDERAL LEGISLATIVE COMMITTEE FOR INCLUSION IN THE 2023 FEDERAL LEGISLATIVE AGENDA

WHEREAS, S.4840, the proposed "Protecting Pain-Capable Unborn Children from Late-Term Abortions Act", seeks to ban all abortions at or after 15 weeks with vaguely written "exceptions" for rape, incest, and saving the life of the mother, and this ban would apply to anybody who performs or attempts to perform abortions in California and throughout America; and

WHEREAS, under S.4840, all abortions at or after 15 weeks under the exceptions of rape, incest, and saving the life of the mother must be done in a manner which "in reasonable medical judgement provides the best opportunity for the unborn child to survive[.]" and this same legal standard has caused the end of the most common and safest second trimester abortion procedures in some states in favor of attempted deliveries, which are actually more dangerous to the pregnant person's health; and

WHEREAS, under S.4840, any doctor who helps perform an abortion or attempted abortion at or after 15 weeks can be charged with a federal crime if their "reasonable medical judgement" that their patient's life is threatened is called into question in a court of law, and this type of language has even led to women in other states having to delay procedures and treatments as serious as chemotherapy so as not

1 to impact the health of their fetus; and

2 WHEREAS, any doctor who helps to perform an abortion or attempted
3 abortion is also subject to civil actions and penalties under S.4840; and

4 WHEREAS, H.R.1080, the proposed "Pain-Capable Unborn Child
5 Protection Act", similarly seeks to establish a nationwide abortion ban by making it a
6 criminal offense for anyone to perform or attempt to perform an abortion at or after 20
7 weeks; and

8 WHEREAS, H.R.1080 also provides the same vague "exceptions" for an
9 abortion where necessary to save the life of the pregnant person or when the pregnancy
10 is a result of rape or incest; and

11 WHEREAS, H.R.1080 would establish criminal penalties of a fine, a prison
12 term of up to five years, or both, as well as civil penalties; and

13 WHEREAS, these proposed laws at the federal level create arbitrary
14 abortion cutoffs of 15 or 20 weeks justified by the false claim that a fetus can experience
15 pain at those points in time; and

16 WHEREAS, according to the American Medical Association, fetuses cannot
17 experience pain until at least 29 weeks, and the proposed legislation falsely refer to
18 abortions at 15 or 20 weeks as "late term"; and

19 WHEREAS, according to the American College of Obstetricians and
20 Gynecologists, a "late term abortion" is an abortion that takes between 41 weeks and 41
21 weeks and 6 days of gestation, a period before which most babies have already been
22 born, and after which elective abortions were illegal even before the overturning of *Roe v.*
23 *Wade*; and

24 WHEREAS, these proposed laws would endanger the health, freedom, and
25 even the lives of pregnant people anywhere in the United States, and the havoc they
26 would wreak on our maternal health system, beyond the pressure already caused by the
27 overturning of *Roe v. Wade*, would be immense; and

28 WHEREAS, it is the duty of any city to protect its residents and, as such,

1 the City of Long Beach is opposed to these proposed nationwide abortion bans and
2 affirms its position that government at any level should not interfere with women’s rights
3 to make their own reproductive decisions;

4 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
5 follows:

6 Section 1. The City Council of the City of Long Beach does hereby
7 oppose the proposed federal legislation S.4840, the “Protecting Pain-Capable Unborn
8 Children from Late-Term Abortions Act”, and H.R. 1080, the “Pain-Capable Unborn Child
9 Protection Act”, and refers this resolution to the Federal Legislative Committee for
10 inclusion in the 2023 Federal Legislative Agenda.

11 Section 2. This resolution shall take effect immediately upon its adoption
12 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

13 I hereby certify that the foregoing resolution was adopted by the City
14 Council of the City of Long Beach at its meeting of _____, 2022, by the
15 following vote:

16 Ayes: Councilmembers: _____
17 _____
18 _____
19 _____

20 Noes: Councilmembers: _____
21 _____

22 Absent: Councilmembers: _____
23 _____

24 Recusal(s): Councilmembers: _____
25 _____

26 _____
27 _____
28 _____
City Clerk