



Legislation Text

File #: 22-1194, Version: 1

Recommendation to direct City Attorney to prepare a resolution by the City Council meeting on November 1st in opposition to S.4840 and H.R.1080, the so-called “Protecting Pain-Capable Unborn Children from Late-Term Abortions Act” and refer said opposition’s inclusion in the 2023 Federal Legislative Agenda to the Federal Legislative Committee.

In November of 2021, Kailee DeSpain of Mable Falls, Texas learned she was pregnant. She and her husband Cade had been trying to get pregnant for years after a string of miscarriages earlier in their marriage and were delighted to have a baby boy on the way. Tragically, 12 weeks later in February of 2022, their fetus was diagnosed with triploidy, a condition which meant that the fetus would not survive outside the womb, likely suffocating a few minutes after birth. Triploidy is also associated with higher risks of placental abnormalities in the mother, many of which can cause cancer, and increased likelihood of preeclampsia, a potentially fatal blood pressure condition which affects pregnant mothers. As Kailee already suffered from two blood clotting disorders, her doctor informed her that carrying this pregnancy to term would involve severe risk to her life.

When the state of Texas imposed its six-week abortion ban in September of 2021, it included an exception to the ban that said that an abortion could be permitted if the mother, “has a life-threatening physical condition aggravated, caused by, or arising from a pregnancy that places the female at risk of death or poses a serious risk of substantial impairment of a major bodily function.” This was covered in local media as “an exception for the life of the mother”, though in practice, these exceptions are anything but.

According to Kailee, her doctor told her that this law’s vagueness meant that she could be held legally liable for any abortion that took place unless she was “dying on the table”, at which point she couldn’t guarantee her survival either way. “I need you to look at me,” her doctor said, “I need you to understand that if you get pregnant in Texas and that if you have complications, that I cannot intervene until I can prove that you’re going to die.”

Under S.4840, which bans all abortions after 15 weeks with the same vaguely written and flimsy “exceptions” for rape, incest, and the life of the mother, anybody who gets pregnant in California, and in all of America, could find themselves in Kailee’s situation.¹

Under S.4840, any doctor who helps perform an abortion 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 by a judge.² This language has led to women in Texas having to delay even procedures as serious as chemotherapy so as not to impact the health of their fetus.³

Under S.4840, all abortions after 15 weeks under the exceptions of rape, incest, and life of the mother must be done in “a manner which in reasonable judgement provides the best chance for the unborn child to survive”. This legal standard has caused the end of the most common and safe second trimester abortion procedures in some states, in favor of attempted deliveries, which are much more dangerous to a mother’s health.⁴

S.4840 creates an arbitrary cutoff of 15 weeks justified by the false claim that a fetus can experience pain at 15 weeks. According to the American Medical Association, fetuses cannot experience pain until at least 29 weeks.⁵

S.4840 also falsely refers to abortions after 15 weeks as “late term”. According to the American College of Obstetricians and Gynecologists, a “late term abortion” is an abortion that takes between 41 weeks and 41 weeks and 6 days of gestation, a period before which most babies have already been born, and after which elective abortions were illegal even before the overturning of Roe vs. Wade.⁶

Simply put, this bill would endanger the health, freedom, and even life of pregnant people anywhere in the United States. The havoc it would wreak on our maternal health system, beyond the pressure it has been placed under by the overturn of Roe vs Wade, would be immense. As it is the job of any city to protect its residents, the City of Long Beach should make its opposition to this bill known and affirm its position that government at any level has no business interfering with a woman’s right to make her own reproductive decisions.

Equity Lens

As similar abortion bans in other states have led to increased maternal mortality rates, S.4840 would worsen many of the problems responsible for America’s maternal mortality crisis, a crisis which has disproportionately impacted Black women.⁷

Long Beach declaring its opposition to this bill would help fulfill Goal 4, Strategy 1 of “Advancing Health Equity”, included in the Framework for Reconciliation.

No Financial Management review was able to be conducted due to the urgency and time sensitivity of this item.

Approve recommendation.

REX RICHARDSON, VICE MAYOR

NINTH DISTRICT

CINDY ALLEN, COUNCILWOMAN
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