

1 [Commemorating Roe v. Wade and Reaffirming the City's Commitment to Reproductive  
2 Freedom]

3 **Resolution commemorating the anniversary of Roe v. Wade and reaffirming the City**  
4 **and County of San Francisco's commitment to safeguarding reproductive freedom**  
5 **through enforcement, data privacy, non-cooperation policies, and the advancement of**  
6 **reproductive justice.**

7  
8 WHEREAS, On January 22, 1973, the United States Supreme Court issued its  
9 landmark decision in Roe v. Wade, 410 U.S. 113, (1973), recognizing abortion as a  
10 fundamental constitutional right and affirming the ability of individuals to make personal  
11 healthcare decisions free from undue government interference; and

12 WHEREAS, In June 2022, the Supreme Court's decision in Dobbs v. Jackson  
13 Women's Health Organization, 597 U.S. 215 (2022). overturned Roe v. Wade, dismantling  
14 federal constitutional protections for abortion and enabling states to criminalize, surveil, and  
15 penalize reproductive healthcare; and

16 WHEREAS, The consequences of the Dobbs decision have disproportionately  
17 impacted certain communities, including but not limited to, impacted women, girls,  
18 transgender men, and nonbinary people - particularly those who are low-income, Black,  
19 Indigenous, people of color, immigrants, young people, and individuals living in medically  
20 underserved communities; and

21 WHEREAS, The City and County of San Francisco has long served as a national  
22 leader in protecting reproductive freedom and advancing reproductive justice, recognizing that  
23 access to abortion and comprehensive reproductive healthcare is essential to bodily  
24 autonomy, gender equity, economic security, and public health; and

1           WHEREAS, The City and County of San Francisco has affirmed, and continues to  
2 affirm, that abortion care is healthcare and has called on the federal government to codify  
3 abortion rights, in Resolution No. 428-21, on file with the Clerk of the Board of Supervisors in  
4 File No. 210955, which is hereby declared to be a part of this Resolution as if set forth fully  
5 herein; and

6           WHEREAS, Article I, Section 1 of the California Constitution expressly protects the  
7 right to privacy, including personal medical decision-making; Article I, Section 1.1 of the  
8 California Constitution protects a person's fundamental right to choose to have an abortion  
9 and to choose or refuse contraceptives; and Article I, Section 7 of the California Constitution  
10 further guarantees the right to abortion and contraceptive access in California; and

11           WHEREAS, California Penal Code, Sections 423.2–423.3 (California Freedom of  
12 Access to Clinic Entrances Act) provides criminal penalties for certain actions against patients  
13 and providers seeking and/or delivering reproductive healthcare services; and

14           WHEREAS, Police Code, Article 43 makes it unlawful to take certain actions that  
15 interfere with access to reproductive healthcare facilities and reflects the City's commitment to  
16 ensuring access to reproductive health care; and

17           WHEREAS, Certain laws, such as California Penal Code, Section 13778.3, prohibit state  
18 and local government agencies, including their employees acting in their official capacity, from  
19 taking certain actions, such as cooperating with out-of-state investigations that seek to impose  
20 civil or criminal liability for legally protected healthcare activities, including reproductive  
21 healthcare services that are lawful in California; and

22           WHEREAS, At the November 2024 election, San Francisco voters approved Proposition  
23 O, a ballot measure that declared it to be City policy to serve as a safe place for people seeking  
24 reproductive care, including abortions, to protect the rights of pregnant people to control their  
25 medical decisions, and to safeguard the confidentiality of reproductive health information;

1 among other things, Proposition O also prohibited City officials from providing information to law  
2 enforcement agencies of other states or the federal government concerning various  
3 reproductive healthcare decisions, including abortion; and

4 WHEREAS, The City recognizes the critical importance of safeguarding patient and  
5 provider medical data and privacy against misuse, compelled disclosure, or digital  
6 surveillance; now, therefore, be it

7 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
8 commemorates the anniversary of Roe v. Wade and reaffirms San Francisco's commitment to  
9 protecting reproductive freedom, bodily autonomy, and access to safe, legal, and affordable  
10 abortion and reproductive healthcare; and, be it

11 FURTHER RESOLVED, That the City reaffirms its commitment to enforcing state and  
12 local laws that protect the provision of and access to reproductive health care services  
13 through coordinated protocols among the San Francisco Police Department, District Attorney,  
14 Department of Public Health, and other relevant agencies to ensure accountability for  
15 violations; and, be it

16 FURTHER RESOLVED, That the City reaffirms policies that ensure City resources,  
17 personnel, and data are not used to assist with out-of-state investigations, or other legal  
18 actions that seek to penalize reproductive healthcare that is lawful when provided in  
19 California; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors affirms the City's commitment  
21 to safeguarding reproductive healthcare data and patient privacy by limiting the collection,  
22 retention, and disclosure of sensitive information and opposing the misuse of medical, digital,  
23 or location data to surveil or criminalize patients or providers; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors calls on all City departments  
25 and partners to continue advancing policies and investments that uphold reproductive justice,

1 promote gender equity, protect public health, and affirm San Francisco as a safe jurisdiction  
2 for reproductive healthcare access.