

File No. 150500

Committee Item No. \_\_\_\_\_

Board Item No. 28

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date May 19, 2015

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- California AB 775
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: John Carroll Date May 14, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Supporting California Assembly Bill 775 (Chiu and Burke) - The Reproductive Freedom,  
2 Accountability, Comprehensive Care, and Transparency Act]

3 **Resolution supporting California Assembly Bill 775, co-authored by Assemblymembers**  
4 **David Chiu and Autumn Burke, which advances reproductive freedom, accountability,**  
5 **comprehensive care, and transparency for women in California.**

6  
7 WHEREAS, California and San Francisco both have a long history and proud legacy of  
8 respecting the reproductive freedom of women and have provided progressive programs to  
9 provide reproductive health care to low income women; and

10 WHEREAS, The power of these laws and programs are only fully realized when clients  
11 are accurately informed of their reproductive rights; and

12 WHEREAS, When a woman considers termination of a pregnancy, time is a critical  
13 factor; and

14 WHEREAS, Delays in deciding to terminate a pregnancy may mean that a less  
15 invasive option is no longer available or that the option to terminate the pregnancy is no  
16 longer available; and

17 WHEREAS, Women in San Francisco County who received Medi-Cal are six times as  
18 likely to miss first trimester prenatal care as women with private insurance; and

19 WHEREAS, There are nearly 200 licensed and unlicensed clinics know as crisis  
20 pregnancy centers throughout California whose goal is to interfere with a women's ability to  
21 exercise their reproductive rights; and

22 WHEREAS, These crisis pregnancy centers commonly use false and misleading  
23 advertising to discourage women from seeking abortions or misinform them about their health  
24 care options; and

1           WHEREAS, In 2011 the San Francisco Board of Supervisors passed Ordinance No.  
2 212-11, which regulated the false and deceptive advertising practices used by crisis  
3 pregnancy centers in San Francisco, which was recently upheld by the Federal District Court  
4 earlier this year; and

5           WHEREAS, Assembly Bill 775 allows California women to receive the facts they need  
6 to make well-informed decisions regarding their reproductive health care; and

7           WHEREAS, Assembly Bill 775 requires licensed facilities that provide pregnancy-  
8 related care to distribute a notice of health care rights to their patients including information  
9 about health insurance coverage for pregnancy related services for eligible low-income  
10 California residents; and

11           WHEREAS, Unlicensed facilities that provide pregnancy-related services will be  
12 required to clearly post and disclose in their marketing material that they are not licensed by  
13 the State of California and do not have licensed medical providers on staff; and

14           WHEREAS, There is currently no State law that requires the distribution of this type of  
15 information to clients seeking reproductive healthcare services; now, therefore, be it

16           RESOLVED, The City and County of San Francisco strongly supports Assembly Bill  
17 775, The Reproductive Freedom, Accountability, Comprehensive Care, and Transparency  
18 Act; and be it

19           FURTHER RESOLVED, The City and County of San Francisco recognizes that women  
20 must have notice and accurate information about their reproductive healthcare rights in order  
21 to exercise their protected Constitutional right to terminate a pregnancy.  
22  
23  
24  
;



*California*  
LEGISLATIVE INFORMATION

**AB-775 Reproductive FACT Act. (2015-2016)**

AMENDED IN ASSEMBLY MAY 04, 2015  
 AMENDED IN ASSEMBLY APRIL 16, 2015  
 AMENDED IN ASSEMBLY APRIL 08, 2015  
 AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE— 2015-2016 REGULAR SESSION

**ASSEMBLY BILL**

**No. 775**

**Introduced by Assembly Members Chiu and Burke  
 (Coauthors: Assembly Members Atkins, Rendon, and Wood)**

**February 25, 2015**

An act to add Article 2.7 (commencing with Section 123470) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, relating to public health.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 775, as amended, Chiu. Reproductive FACT Act.

Existing law, the Reproductive Privacy Act, provides that every individual possesses a fundamental right of privacy with respect to reproductive decisions. Existing law provides that the state shall not deny or interfere with a woman's right to choose or obtain an abortion prior to viability of the fetus, as defined, or when necessary to protect her life or health. Existing law specifies the circumstances under which the performance of an abortion is deemed unauthorized.

This bill would enact the Reproductive FACT (Freedom, Accountability, Comprehensive Care, and Transparency) Act, which would require a licensed covered facility, as defined, to disseminate a notice to all clients, as specified, stating, among other things, that California has public programs that provide immediate free or low-cost access to comprehensive family planning services, prenatal care, and abortion, for eligible women. The bill would also require an unlicensed covered facility, as defined, to disseminate a notice to all clients, as specified, stating, among other things, that the facility is not licensed as a medical facility by the State of California.

The bill would authorize the Attorney General, city attorney, or county counsel to bring an action to impose a specified civil penalty against covered facilities that fail to comply with these requirements. ~~The bill would also require the Attorney General to post on the Department of Justice's Internet Web site a list of the covered facilities upon which a civil penalty has been imposed.~~

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

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

**SECTION 1.** The Legislature finds and declares that:

(a) All California women, regardless of income, should have access to reproductive health services. The state provides insurance coverage of reproductive health care and counseling to eligible, low-income women. Some of these programs have been recently established or expanded as a result of the federal Patient Protection and Affordable Care Act.

(b) Millions of California women are in need of publicly funded family planning services, contraception services and education, abortion services, and prenatal care and delivery. In 2012, more than 2.6 million California women were in need of publicly funded family planning services. More than 700,000 California women become pregnant every year and one-half of these pregnancies are unintended. In 2010, 64.3 percent of unplanned births in California were publicly funded. Yet, at the moment they learn that they are pregnant, thousands of women remain unaware of the public programs available to provide them with contraception, health education and counseling, family planning, prenatal care, abortion, or delivery.

(c) Because pregnancy decisions are time sensitive, and care early in pregnancy is important, California must supplement its own efforts to advise women of its reproductive health programs. In California, low-income women can receive immediate access to free or low-cost comprehensive family planning services and pregnancy-related care through the Medi-Cal and the Family PACT programs. However, only Medi-Cal providers who are enrolled in the Family PACT program are authorized to enroll patients immediately at their health centers.

(d) The most effective way to ensure that women quickly obtain the information and services they need to make and implement timely reproductive decisions is to require licensed health care facilities that are unable to immediately enroll patients into the Family PACT or Presumptive Eligibility for Pregnant Women Medi-Cal programs to advise each patient at the time of her visit of the various publicly funded family planning and pregnancy-related resources available in California, and the manner in which to directly and efficiently access those resources.

(e) It is also vital that pregnant women in California know when they are getting medical care from licensed professionals. Unlicensed facilities that advertise and provide pregnancy testing and care must advise clients, at the time they are seeking or obtaining care, that these facilities are not licensed to provide medical care.

**SEC. 2.** The purpose of this act is to ensure that California residents make their personal reproductive health care decisions knowing their rights and the health care services available to them.

**SEC. 3.** Article 2.7 (commencing with Section 123470) is added to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, to read:

**Article 2.7. Reproductive FACT Act**

**123470.** This article shall be known and may be cited as the Reproductive FACT (Freedom, Accountability, Comprehensive Care, and Transparency) Act or Reproductive FACT Act.

**123471.** (a) For purposes of this article, and except as provided in subdivision (c), "licensed covered facility" means a facility licensed under Section 1204 or an intermittent clinic operating under a primary care clinic pursuant to subdivision (h) of Section 1206, whose primary purpose is providing family planning or pregnancy-related services, and that satisfies two or more of the following:

- (1) The facility offers obstetric ultrasounds, obstetric sonograms, or prenatal care to pregnant women.
- (2) The facility provides, or offers counseling about, contraception or contraceptive methods.
- (3) The facility offers pregnancy testing or pregnancy diagnosis.
- (4) The facility advertises or solicits patrons with offers to provide prenatal sonography, pregnancy tests, or pregnancy options counseling.
- (5) *The facility offers abortion services.*
- (5)
- (6) The facility has staff or volunteers who collect health information from clients.

(b) For purposes of this article, subject to subdivision (c), "unlicensed covered facility" is a facility that is not licensed by the State of California and does not have a licensed medical provider on staff or under contract who provides or directly supervises the provision of all of the services, whose primary purpose is providing pregnancy-related services, and that satisfies two or more of the following:

- (1) The facility offers obstetric ultrasounds, obstetric sonograms, or prenatal care to pregnant women.
- (2) The facility offers pregnancy testing or pregnancy diagnosis.
- (3) The facility advertises or solicits patrons with offers to provide prenatal sonography, pregnancy tests, or pregnancy options counseling.
- (4) The facility has staff or volunteers who collect health information from clients.

(c) This article shall not apply to either of the following:

- (1) A clinic directly conducted, maintained, or operated by the United States or any of its departments, officers, or agencies.
- (2) A licensed primary care clinic that is enrolled as a Medi-Cal provider and a provider in the Family Planning, Access, Care, and Treatment Program.

**123472.** (a) A licensed covered facility shall disseminate to clients on site the following notice in English and in the primary threshold languages for Medi-Cal beneficiaries as determined by the State Department of Health Care Services for the county in which the facility is located.

(1) The notice shall state:

"California has public programs that provide immediate free or low-cost access to comprehensive family planning services (including all FDA-approved methods of contraception), prenatal care, and abortion for eligible women. To determine whether you qualify, contact the county social services office at [insert the telephone number]."

(2) The information shall be disclosed in one of the following ways:

- (A) A public notice posted in a conspicuous place where individuals wait that may be easily read by those seeking services from the facility. The notice shall be at least 8.5 inches by 11 inches and written in no less than 22-point type.
- (B) A printed notice distributed to all clients in no less than 14-point type.
- (C) A digital notice distributed to all clients that can be read at the time of check-in or arrival, in the same point type as other digital disclosures. A printed notice as described in subparagraph (B) shall be available for all clients who cannot or do not wish to receive the information in a digital format.

(3) The notice may be combined with other mandated disclosures.

(b) An unlicensed covered facility shall disseminate to clients on site and in any print and digital advertising materials including Internet Web sites, the following notice in English and in the primary threshold languages for Medi-Cal beneficiaries as determined by the State Department of Health Care Services for the county in which the facility is located.

(1) The notice shall state: "This facility is not licensed as a medical facility by the State of California and has no licensed medical provider who provides or directly supervises the provision of services."

(2) The onsite notice shall be a sign at least 8.5 inches by 11 inches and written in no less than 48-point type, and shall be posted conspicuously in the entrance of the facility and at least one additional area where clients wait to receive services.

(3) The notice in the advertising material shall be ~~the same point type as other information in the advertisement.~~ *clear and conspicuous.* "Clear and conspicuous" means in larger point type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

**123473.** (a) Covered facilities that fail to comply with the requirements of this article are liable for a civil penalty of five hundred dollars (\$500) for a first offense and one thousand dollars (\$1,000) for each subsequent offense. The Attorney General, city attorney, or county counsel may bring an action to impose a civil penalty pursuant to this section after doing both of the following:

(1) Providing the covered facility with reasonable notice of noncompliance, which informs the facility that it is subject to a civil penalty if it does not correct the violation within 30 days from the date the notice is sent to the facility.

(2) Verifying that the violation was not corrected within the 30-day period described in paragraph (1).

(b) The civil penalty shall be deposited into the General Fund if the action is brought by the Attorney General. If the action is brought by a city attorney, the civil penalty shall be paid to the treasurer of the city in which the judgment is entered. If the action is brought by a county counsel, the civil penalty shall be paid to the treasurer of the county in which the judgment is entered.

~~123474. The Attorney General shall post and maintain on the Department of Justice's Internet Web site a list of the covered facilities upon which a penalty has been imposed for noncompliance with the requirements of this article.~~

**SEC. 4.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

## **Carroll, John (BOS)**

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**From:** Lee, Ivy (BOS)  
**Sent:** Wednesday, May 13, 2015 1:35 PM  
**To:** BOS Legislation, (BOS); Caldeira, Rick (BOS)  
**Cc:** Bruss, Andrea (BOS)  
**Subject:** FW: Adding Jane as co-sponsor for Reproductive Fact Act reso

**Categories:** 150500

Can you please add Supervisor Kim to Supervisor Cohen's resolution supporting the passage of the Reproductive Fact Act that she introduced at yesterday's roll call? Thank you!

Ivy

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**From:** Bruss, Andrea (BOS)  
**Sent:** Wednesday, May 13, 2015 1:34 PM  
**To:** Lee, Ivy (BOS)  
**Subject:** RE: Adding Jane as co-sponsor for Reproductive Fact Act reso

Yes – Thanks!

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**Andrea Bruss**  
Office of Supervisor Malia Cohen  
(415)554-7672

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**From:** Lee, Ivy (BOS)  
**Sent:** Wednesday, May 13, 2015 1:26 PM  
**To:** Bruss, Andrea (BOS)  
**Subject:** Adding Jane as co-sponsor for Reproductive Fact Act reso

Hi Andrea – Can you please add Jane as a co-sponsor? I'll email the clerk's office as well and let them know.

Ivy Lee  
Legislative Aide, Supervisor Jane Kim/District 6  
415.554.7973 (direct)  
[ivy.lee@sfgov.org](mailto:ivy.lee@sfgov.org)

[Sign up for the District 6 newsletter](#)



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

*Rcvd @ Board*  
Time stamp or meeting date *5/12/15g*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

*COHEN, Kim*

**Subject:**

*SUPPORTING AB 775 - REPRODUCTIVE FACT ACT*

**The text is listed below or attached:**

*Attached*

Signature of Sponsoring Supervisor: *[Signature]*

For Clerk's Use Only:

