



COUNCILWOMAN  
JEANNINE PEARCE

**R-24**

DATE: June 18, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Councilwoman Jeannine Pearce, District 2 *J.P.*  
Councilwoman Suzie Price, District 3 *S.P.*  
Councilmember Al Austin, District 8 *Al*  
Councilmember Rex Richardson, District 9 *R.R.*

SUBJECT: Protecting Women's Constitutional Rights - Travel Ban to Georgia and  
Alabama

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**RECOMMENDATION:**

Recommendation to support the denouncement of HB481, Georgia's Living Infants Fairness and Equality (LIFE) Act, which bans abortions if a doctor can detect a heartbeat and denounce HB314, Alabama's Human Life Protection Act that bans abortions at any stage of pregnancy. Authorize the City Manager to suspend all travel, contracts, etc. from the states of Georgia and Alabama, so long as the bills become law.

1. Request the City Attorney to prepare a resolution for adoption denouncing Georgia's Living Infants Fairness and Equality (Life) act (HB 481) and Alabama's hb314, immediately suspending official travel to Georgia, Alabama and any other state which adopts similar heartbeat legislation and imposing financial sanctions until such time as the new law is revoked, amended, or struck down".
2. Direct staff to send signed copies of the adopted resolution to Georgia Governor Brian Kemp, California Governor Gavin Newsom, California State Senator Ben Allen, California State Assembly Member Richard Bloom, and others as deemed appropriate.
3. Authorize the City Manager to suspend official travel to the State of Georgia and any other state identified by the City's Government Affairs Office as having adopted heartbeat legislation substantially similar to Georgia's HB 481 and HB314, until such time the law is revoked, amended, or struck down by the courts, or unless determined by the City Manager that a critical City need would be impacted and could not otherwise be accomplished.
4. Direct the City Manager to maintain and update the list of states to which the City has suspended official travel due to similar heartbeat laws and make this list available on the City's website.
5. Direct the City Manager, City Attorney, and City Clerk to review all current and likely future contracts with Georgia-based businesses in order to examine the feasibility of procuring such products and services elsewhere until such time as Georgia's AB 481 and HB314, is revoked, amended, or struck down by the courts.



## DISCUSSION

Alabama's HB 314 and Georgia's HB 481 are egregious attempts to overturn *Roe v. Wade*, the landmark decision that recognizes a woman's constitutional right to abortion. It is expected that each state that passes new anti-abortion measures are ready to defend them in federal court in an attempt to overturn women's constitutional rights.

On May 7, 2019, Georgia Governor Brian Kemp signed the Living Infants Fairness and Equality (LIFE) Act (HB 481), which is one of the most restrictive abortion laws in the nation. HB 481 bans abortions once a doctor can detect a fetal heartbeat, which is usually around six weeks of pregnancy, before many women know they are pregnant. HB 481, which will take effect in 2020, provides exceptions to prevent death or serious harm to the pregnant woman, and in cases of rape or incest only when a police report has been filed. Anti-abortion groups and legislators have been backing more aggressive restrictions since President Trump's election and his appointment of more conservative-leaning Supreme Court justices.

Georgia, which previously banned abortion after 20 weeks of pregnancy, is the fourth state to enact a six-week ban in 2019. HB 481 proposes that the presence of an embryo's heartbeat, rather than a fetus' "viability outside of the womb" should be the benchmark for outlawing abortions. Similar "heartbeat" bills are under consideration in 10 other states - Missouri, Tennessee, Florida, Illinois, Louisiana, Maryland, Minnesota, New York, South Carolina and West Virginia. A federal judge has already blocked Kentucky's law. Other courts struck down similar laws that were recently enacted in Iowa and North Dakota.

Those opposed to the Georgia law, including the American Civil Liberties Union, have vowed to challenge the law in court. Doctors who oppose the legislation say that what appears to be a heartbeat at six weeks is simply a vibration of developing tissues that could not exist without the mother. That vibration is a medical term called "embryonic cardiac activity." In addition, physicians expressed concerns that HB 481's subjective language could expose doctors to criminal prosecution for following what's widely considered to be a medically acceptable standard of care. Currently, half of the counties in Georgia do not have an obstetrics provider at all, and this law could exacerbate the state's shortage of OBGYNs by deterring physicians and medical residents from choosing to practice or train in the state.

Georgia is a popular venue for film and television productions, and in response to the legislation, three independent production companies have announced that they will not do business in the state, and more than 50 actors have signed a letter to Georgia legislators saying they will seek to stop production in the state. In 2018, the entertainment industry brought an estimated \$2.7 billion to the State of Georgia while filming 455 productions there. The State of Alabama is considering a similarly strict anti-abortion bill, which would outlaw most abortions and make performing the procedure a felony, punishable by up to 99 years imprisonment.

The "Human Life Protection Act" (HB 314) would make it a crime for doctors to perform abortions once a fetus is "in utero," which essentially abolishes abortions at any stage of a pregnancy, unless there is a serious health risk to the pregnant woman, or a lethal anomaly of the fetus. There are no exceptions for cases of rape or incest. Alabama Representative Teri



Collins (R), who sponsored the bill, said its purpose is to spark litigation that would force the U.S. Supreme Court to reconsider Roe v. Wade, the landmark 1973 legislation that guarantees a women's right to an abortion. On May 14th, the Alabama state Senate approved HB314, which will be the most restrictive abortion law in the country. The House approved the measure last month. It now moves to the Alabama Governor's desk, Kay Ivey, who is expected to sign the bill.

The City of Long Beach has a track record of supporting women's rights and reproductive health. It has continually supported state and federal legislation protecting and advancing women's reproductive rights, access to healthcare, and funds for preventative health care services. Opposition to Georgia's HB 481 and similar anti-abortion legislation that serves to eliminate a woman's right to choose and hinder the availability of reproductive healthcare is in line with the City's long-standing values and legislative priorities. The City has taken similar action to suspend travel to states that have adopted legislation that discriminates on the basis of sexual orientation, gender identity, or gender expression - such as North Carolina's HB2 - or legislation that is anti immigration - such as Arizona's SB 1070.

The proposed resolution to ban official travel to Georgia and Alabama and impose financial sanctions is in line with the City's past actions to address discriminatory legislation that is in opposition to the City's established priorities.

This matter has been reviewed by Budget Manager Grace H. Yoon on May 30, 2019.

#### **FISCAL IMPACT**

This recommendation requests actions to support the denouncement of HB481, Georgia's Living Infants Fairness and Equality (LIFE) Act, and HB314, Alabama's Human Life Protection Act. The implementation of this recommendation is anticipated to result in a minimal impact to staff hours beyond normal budgeted scope of duties and a minimal impact on City Council priorities.