

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE AUGUST 4, 2014

Senate Resolution

No. 55

Introduced by Senator Jackson
(Coauthors: Senators Leno and Monning)

July 3, 2014

Senate Resolution No. 55—Relative to reproductive health.

1 WHEREAS, The federal Centers for Disease Control and
2 Prevention (CDC) maintains that family planning is one of the 10
3 great public health achievements of the 20th Century; and

4 WHEREAS, The United States Supreme Court has previously
5 recognized in *Planned Parenthood of Southeastern Pennsylvania*
6 *v. Casey* (1992) 505 U.S. 833, 856, that “[t]he ability of women
7 to participate equally in the economic and social life of the Nation
8 has been facilitated by their ability to control their reproductive
9 lives”; and

10 WHEREAS, The United States Congress required health plans
11 to cover all Food and Drug Administration-approved methods of
12 contraception for women with no out-of-pocket costs as part of
13 the federal Patient Protection and Affordable Care Act (ACA),
14 and nearly 30 million ~~woman~~ *women* across the United States have
15 already benefited from that provision; and

16 WHEREAS, In *Burwell v. Hobby Lobby Stores, Inc.* (2014)
17 573 U.S. ____, the Supreme Court concluded that closely-held
18 corporations cannot be required to provide contraceptive coverage
19 if the corporations’ owners have religious objections to the
20 contraception; and

1 WHEREAS, Women generally have less disposable income to
2 spend on health care services because of the gender pay gap, the
3 impact of the decision in *Burwell v. Hobby Lobby Stores, Inc.* will
4 place additional financial burdens on women already facing the
5 inequity of wage discrimination; and

6 WHEREAS, Nearly two-thirds of minimum wage workers are
7 women, the impact of the decision in *Burwell v. Hobby Lobby*
8 *Stores, Inc.* is expected to fall more heavily on low-income women
9 whose access to health care is frequently limited; and

10 WHEREAS, As noted in Justice ~~Ginsberg's~~ *Ginsburg's* dissent,
11 the cost of an intrauterine device (IUD) “is nearly equivalent to a
12 month’s full-time pay for workers earning the minimum wage”;
13 and

14 WHEREAS, The lack of access to contraception leads to an
15 increase in unintended pregnancies; and

16 WHEREAS, According to the CDC’s National Center for Health
17 Statistics, more than 99 percent of women use birth control at some
18 point in their lives, and approximately 62 percent of all women of
19 reproductive age are currently using a contraceptive method; and

20 WHEREAS, Contraceptive services can serve as a gateway for
21 women to enter the health care system and obtain preventive
22 medical care; and

23 WHEREAS, “The exemption sought by Hobby Lobby . . . would
24 deny legions of women who do not hold their employers’ beliefs
25 access to contraceptive coverage that the ACA would otherwise
26 secure,” as noted in Justice ~~Ginsberg's~~ *Ginsburg's* dissent; and

27 WHEREAS, Any decisions to use contraceptives should be
28 made by a woman in consultation with her health care providers
29 and not her employer; and

30 WHEREAS, According to the Guttmacher Institute,—state
31 legislatures *State Legislatures* of the United States introduced over
32 1,100 anti-choice, anti-women legislative proposals in 2011,
33 designed to place restrictions on women’s health care and erode
34 protections for women and their families, including restricting
35 access to contraception, imposing invasive procedures to impede
36 a woman’s choice, and allowing for-profit companies to prohibit
37 choice; and

38 WHEREAS, It is the goal of some to deprive women of their
39 reproductive rights by using the argument of religious freedom

1 and ignoring women’s health, which results in the disparate
2 treatment of women and undermines individual choice; and

3 WHEREAS, There appears to be an organized strategy to upend
4 long-standing policy in the areas of contraceptive rights and health
5 care rights for women; and

6 WHEREAS, California has always prioritized women’s health
7 care, including passing the groundbreaking Women’s
8 Contraception Equity Act in 1999, which requires employer-based
9 health plans that cover a variety of prescription drugs to also cover
10 a variety of prescription contraceptive methods; and

11 WHEREAS, There is concern that corporations may attempt to
12 misuse the precedent set by *Burwell v. Hobby Lobby Stores, Inc.*
13 to unduly restrict women’s health care options or seek religious
14 exemptions from other generally applicable laws; now, therefore,
15 be it

16 *Resolved by the Senate of the State of California*, That the Senate
17 of the State of California recognizes the critical importance of a
18 continued commitment to reproductive health care and access; and
19 be it further

20 *Resolved*, That the Senate of the State of California urges the
21 United States ~~Senate to reconsider and approve~~ *Congress to pass*
22 *and the President of the United States to sign* Senate Bill 2578,
23 commonly referred to as the Not My Boss’s Business Act, which
24 would prevent employers from denying coverage of contraceptives
25 regardless of their religious views; and be it further

26 *Resolved*, That the Senate of the State of California reaffirms
27 *its support of* the decision of *Roe v. Wade* (1973) 410 U.S. 113,
28 which acknowledges that reproductive choice is a fundamental
29 right that belongs to all women; and be it further

30 *Resolved*, That the Secretary of the Senate transmit copies of
31 this resolution to the President and Vice President of the United
32 States, to the Speaker of the House of Representatives, to the
33 Majority Leader of the Senate, to each Senator and Representative
34 from California in the Congress of the United States, and to the
35 author for appropriate distribution.

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