City of Long Beach
Working Together to Serve

Memorandum

Date: August 23, 2019

To: Mayor and Members of the City Council

From: Patrick H. West, City Manager

Subject: **Follow Up on the City Council Item Banning Travel to Georgia and Alabama**

On June 18, 2019, the Long Beach City Council (City Council) voted to support the denouncement of Georgia's Living Infants Fairness and Equality (LIFE) Act (HB 481) and Alabama's Human Life Protection Act (HB 314) by banning City travel to these states. The City Council further requested:

1. The City Attorney to prepare a resolution for adoption, denouncing Georgia's LIFE Act, and Alabama's Human Life Protection Act;

2. City staff to send signed copies of this resolution to Georgia Governor Brain Kemp, California Governor Gavin Newsom, California State Senator Ban Allen, California State Assemblymember Richard Bloom and others as deemed necessary; and,

3. City staff to post information pertaining to these heartbeat laws on the City's website.

Following the City Council's initial actions, on July 16, 2019, the City Council voted to adopt a Resolution denouncing Georgia's LIFE Act, and Alabama's Human Life Protection Act. City staff has since transmitted the resolution to elected officials named in the original City Council letter, and Alabama Governor Kay Ivey. The contents of this transmission are attached to this memorandum. Further, information on Georgia's LIFE Act, and Alabama's Human Life Protection Act have been posted on the City Manager's website for federal legislative outreach.

Should you have any questions, please contact Diana Tang, Manager of Government Affairs at (562) 570-6506 or Diana.Tang@longbeach.gov.

CC: CHARLES PARKIN, CITY ATTORNEY
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK
REBECCA GARNER, ADMINISTRATIVE DEPUTY TO THE CITY MANAGER
DIANA TANG, MANAGER OF GOVERNMENT AFFAIRS AND COMMUNICATIONS

ATTACHMENTS
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COUNCILWOMAN
JEANNINE PEARCE

R-24

DATE: June 18, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Councilwoman Jeannine Pearce, District 2
Councilwoman Suzie Price, District 3
Councilmember Al Austin, District 8
Councilmember Rex Richardson, District 9

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

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.

RESOLUTION NO. RES-19-0111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH TO DENOUNCE GEORGIA'S LIVING INFANTS FAIRNESS AND EQUALITY (LIFE) ACT (HB 481) AND ALABAMA'S HB314, IMMEDIATELY SUSPEND 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

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

WHEREAS, on May 7, 2019, Georgia Governor Brian Kemp signed the Living Infants Fairness and Equality (LIFE) Act (HB 481), which bans abortions once a doctor can detect a fetal heartbeat, usually around six weeks of pregnancy, which is before many women know they are pregnant; and

WHEREAS, 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; and

WHEREAS, with the passage of HB 481, Georgia, which previously banned abortion after 20 weeks of pregnancy, 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; and

WHEREAS, Georgia is the fourth state to enact a six-week ban in 2019 and similar "heartbeat" bills are under consideration in 10 other states - Missouri, Tennessee, Florida, Illinois, Louisiana, Maryland, Minnesota, New York, South Carolina and West Virginia; and

WHEREAS, physicians groups have expressed opposition to the legislation,

saying what appears to be a heartbeat at six weeks is simply a vibration of developing tissues that could not exist without the mother, and this legislation could exacerbate the state's shortage of OB-GYN providers, where half of the counties currently do not have an obstetrics provider; and

WHEREAS, the City of Long Beach ("City") 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; and

WHEREAS, with a ban on official travel to the State of Georgia and any other state which adopts similar heartbeat legislation and a review of all current and likely future contracts with businesses based in the State of Georgia to examine the feasibility of procuring such products and services elsewhere until the law is revoked, amended, or struck down, the City of Long Beach endeavors to stand in solidarity with the women of Georgia and in opposition to any state or local government which would adopt legislation unconstitutionally revoking a woman's right to choose; and

WHEREAS, the City will maintain and update a list of states to which the City Manager has suspended official travel due to anti-abortion heartbeat laws and make this list available on the City's website in order to state the City's opposition publicly and maintain transparency;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The City Council of the City of Long Beach denounces Georgia's Living Infants Fairness and Equality (LIFE) Act (HB 481) and Alabama's HB314, immediately suspends official travel to Georgia and Alabama and any other state which adopts similar fetal heartbeat legislation, and imposes financial sanctions until such time as the new law is revoked, amended, or struck down.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of July 16, 2019, by the following vote:

Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo, Urangas, Austin, Richardson, Andrews.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

City Clerk

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