

# EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

## California Proclamation on Reproductive Freedom

**WHEREAS** for four decades, California has worked to make reproductive freedom a fundamental right for all Californians by guaranteeing women control over their bodies, privacy regarding their most intimate choices and the right to choose whether or not to terminate a pregnancy.

**WHEREAS** these rights – recognized time and time again in California jurisprudence, law, and policy – are critical to women’s autonomy and liberty and to ensuring that women have an equal role in our social and civic life.

**WHEREAS** in 1969, more than three years before the United States Supreme Court decided *Roe v. Wade*, the California Supreme Court recognized that the fundamental right of women to choose whether to bear children is protected by the U.S. Constitution.

**WHEREAS** in 1972, the people of California recognized the significance of a woman’s right to choose by amending the California Constitution to enshrine a right to privacy.

**WHEREAS** in 2002, California enacted the Reproductive Privacy Act, which makes the fundamental right to choose to bear a child or to choose and to obtain an abortion the official public policy of the State of California.

**WHEREAS** for more than 20 years, California’s Family Planning, Access, Care, and Treatment (FPACT) program and Medi-Cal have provided funding for comprehensive family planning to millions of low income Californians.

**WHEREAS** California provides state funding to ensure that abortion services are available to low-income women.

**WHEREAS** California has been recognized by the Guttmacher Institute as the state with the strongest protections of rights to reproductive freedom.

**WHEREAS** as states around the country enact extreme laws that violate the fundamental rights of women, California will continue to uphold women’s equality and liberty by protecting their reproductive freedom, educating Californians about their rights to reproductive freedom, welcoming women to California to fully exercise their reproductive rights and acting as a model for other states that want to ensure full reproductive freedom for women.

**NOW THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, do hereby issue the California Proclamation on Reproductive Freedom to educate women of their reproductive rights, as recognized in the Constitution and law of California, including:

- **Constitutional Right to Privacy:** Article 1, Section 1 of the California Constitution guarantees that privacy is an inalienable right enjoyed by all Californians. This right of privacy includes a woman’s right to choose.
- **Statutory Right to Choose:** California’s Reproductive Privacy Act prohibits the State of California from denying or interfering with a woman’s right to choose or obtain an abortion prior to fetal viability, or after fetal viability to protect the life or health of the woman.

- **Young Women's Right to Choose:** California's right to privacy guarantees that young women do not have to secure parental or judicial consent in order to obtain an abortion. This right protects the most vulnerable young women, avoids unnecessary delay and keeps young women safe by avoiding back-alley abortions.
- **Right to Access:** The right to choose should not depend on the ability to pay. California recognizes this important principle by requiring that all state-regulated private health plans, including Covered California plans, provide equal access to maternity and abortion services. Further, California uses state funds to ensure that abortion services are available to low-income women.
- **Right to Choose a Provider:** While many states have imposed medically unnecessary requirements on clinicians who provide abortions, California has taken the opposite approach. California allows Medi-Cal patients to seek abortion care services from any qualified Medi-Cal provider. California also permits advanced practice clinicians, including nurse practitioners, certified nurse midwives and physician assistants with specialized training, to perform early abortion care. This policy increases the number of trained health professionals who provide early abortions and expands access to the many rural Californians in areas without physicians who provide such services.
- **Right to Confidentiality in Exercising Choice:** California recognizes that abortion providers and others who assist women in exercising their right to choose often face harassment, threats and acts of violence. California law protects the personal information of these individuals as well as that of the patients themselves. Further, an individual may choose to have an abortion without consent or involvement of their parent or guardian, spouse, or the biological parent of the fetus.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 31<sup>st</sup> day of May 2019.

  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State