

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN SENATE MAY 19, 2022

AMENDED IN SENATE APRIL 21, 2022

AMENDED IN SENATE APRIL 7, 2022

AMENDED IN SENATE MARCH 16, 2022

**SENATE BILL**

**No. 1142**

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**Introduced by Senators Caballero and Skinner**

(Principal coauthor: Assembly Member Cristina Garcia)

**(Coauthors: Senators Eggman, Portantino, and Wiener)**

(Coauthors: Assembly Members Bauer-Kahan, Bennett, Calderon, Carrillo, Cervantes, Friedman, Kalra, Petrie-Norris, Luz Rivas, Akilah Weber, ~~Jones-Sawyer~~, and Wicks)

February 16, 2022

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An act to add Section 123430 to, and to add Article 2.3 (commencing with Section 123451) to Chapter 2 of Part 2 of Division 106 of, the Health and Safety Code, relating to maternal health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1142, as amended, Caballero. Abortion services.

Existing law, the Reproductive Privacy Act, prohibits the state from denying or interfering with a person's right to choose or obtain an abortion prior to viability of the fetus, or when the abortion is necessary to protect the life or health of the person. The act defines "abortion" as a medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

Existing law establishes the Commission on the Status of Women and Girls. Under existing law, the commission has the power and

authority necessary to carry out the duties imposed by law. Existing law requires the commission to study certain policy areas, as described, for the purpose of examining any laws, practices, or conditions concerning or affecting women and girls which impose special limitations or burdens upon them or upon society, or which limit or tend to limit opportunities available to women and girls.

This bill would require the California Health and Human Services Agency, or an entity designated by the agency, to establish an internet website where the public can find information on abortion services in the state. The bill would require the agency to also develop, implement, and update as necessary, a statewide educational and outreach campaign to inform the public on how to access abortion services in the state.

The bill would establish the Abortion Practical Support Fund and would require the commission to administer the Abortion Practical Support Fund for the purpose of providing grants, upon appropriation by the Legislature, ~~to assist pregnant people who are low income or face other financial barriers with access to abortions in California;~~ *increase patient access to abortion* and for research to support equitable access to abortion.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Abortion care is a constitutional right and an integral part
- 4 of comprehensive sexual and reproductive health care, and overall
- 5 health and well-being.
- 6 (b) In May 2019, Governor Gavin Newsom signed a
- 7 Proclamation on Reproductive Freedom reaffirming California's
- 8 commitment to ensuring access to reproductive health care services,
- 9 including abortion.

1 (c) If the United States Supreme Court overturns the protections  
2 under *Roe v. Wade*, people in over one-half of the states in the  
3 country, over 36,000,000 women and other people who may  
4 become pregnant, will lose access to abortion care.

5 (d) In December 2021, more than 40 organizations joined  
6 together to form the California Future of Abortion Council to  
7 identify barriers to abortion services and recommend proposals to  
8 support equitable and affordable access to abortion care for  
9 Californians and all who seek care in California.

10 (e) California is committed to building upon existing protections  
11 to the right to abortion and implementing innovative and bold  
12 programs and policies to truly be a reproductive freedom state.

13 (f) People seeking abortion care often experience obstacles to  
14 access care, including cost, distance to the nearest available  
15 provider, gas or other transportation needs, lodging, child care,  
16 lost wages due to lack of available or usable sick time, and other  
17 necessities such as food during travel.

18 (g) Many people such as immigrants, young people, foster youth,  
19 people with disabilities, and unhoused people experience additional  
20 barriers.

21 (h) For decades, abortion funds, abortion providers, and other  
22 community-based organizations have provided direct and indirect  
23 support to callers and patients with logistical and practical support  
24 needs. These funds assist patients seeking abortion services within  
25 California, patients traveling to California, and when patients need  
26 to travel outside of California for care.

27 (i) The unmet need for logistical and practical support for people  
28 seeking abortions is far greater than the resources that are currently  
29 available through California's sole statewide abortion fund and,  
30 therefore, abortion providers and community-based organizations  
31 must currently independently fundraise to meet these needs.

32 (j) In California, there is a significant need for practical support  
33 to ensure access to abortion for Californians. The organizations  
34 providing support are heavily impacted by the increase in abortion  
35 restrictions across the country and the need for patients to travel  
36 to receive care.

37 (k) As more patients come from out of state, abortion fund  
38 organizations, abortion providers, and other community-based  
39 organizations that offer practical support need financial support  
40 to meet the demand of people needing care.

1 SEC. 2. Section 123430 is added to the Health and Safety Code,  
2 to read:

3 123430. (a) (1) To ensure people have accurate and  
4 comprehensive information when accessing abortion services in  
5 California, on or before July 1, 2023, the California Health and  
6 Human Services Agency, or an entity designated by the agency,  
7 shall establish an internet website where the public can access  
8 information on abortion services in the state.

9 (2) The internet website established pursuant to paragraph (1)  
10 shall include all of the following information and resources:

11 (A) A person's legally protected rights to an abortion under  
12 state law.

13 (B) The location of abortion providers or links to the information  
14 in the state. Location information shall be posted and updated in  
15 a manner that allows people to easily identify the health care  
16 providers that provide abortion in the state.

17 (C) Practical support services, such as airfare, lodging, ground  
18 transportation, gas money, meals, dependent childcare, doula  
19 support, and translation services, to help a person access and obtain  
20 an abortion.

21 (D) Payment support resources, including coverage options,  
22 state programs, and other assistance that is available to help people  
23 with the cost of the abortion procedure.

24 (E) General description of the available types of abortion.

25 (F) Information to combat misinformation and disinformation,  
26 and ensure that people have comprehensive and medically accurate  
27 counseling and support services.

28 (G) Any other information or resources that will assist an  
29 individual seeking comprehensive and accurate information about  
30 exercising their legal right to abortion and accessing abortion  
31 services in the state.

32 (3) The agency shall consult with subject matter experts when  
33 determining the information and resources posted on the internet  
34 website. "Subject matter experts" include, but is not limited to,  
35 the Commission on the Status of Women and Girls, the Department  
36 of Justice, the State Department of Health Care Services, the  
37 Department of Managed Health Care, and organizations that  
38 represent patients, providers, and assistants that obtain, provide,  
39 or assist a pregnant person to access an abortion.

40 (4) *The internet website shall have mobile capabilities.*

1 (5) *The internet website shall comply with Section 508 of the*  
2 *federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d),*  
3 *regulations implementing that act as set forth in Part 1194 of Title*  
4 *36 of the Federal Code of Regulations, and any laws or regulations*  
5 *governing the accessibility of state internet websites.*

6 ~~(4)~~

7 (6) The agency, in consultation with the subject matter experts,  
8 shall review the information and resources on the internet website  
9 to ensure that it is current and updated at reasonable intervals, but  
10 no less than once ~~annually~~. *every six months. The website shall*  
11 *contain a feature to allow users to report erroneous or outdated*  
12 *information.*

13 (b) On or before July 1, 2023, the agency shall develop,  
14 implement, and update as necessary, a statewide educational and  
15 outreach campaign to inform the public on how to access abortion  
16 services in the state.

17 (c) The internet website and informational materials created  
18 and distributed pursuant to this section shall be made available in  
19 a manner to ensure that they are accessible by all state residents.  
20 The internet website and informational materials shall be translated  
21 into Spanish, Chinese, Tagalog, Vietnamese, and Korean ~~if any~~  
22 ~~of these languages are spoken by a substantial number of the public~~  
23 ~~where the materials are being distributed.~~ *and in compliance with*  
24 *the Dymally-Alatorre Bilingual Services Act (Chapter 17.5*  
25 *(commencing with Section 7290) of Division 7 of Title 1 of the*  
26 *Government Code).*

27 (d) Notwithstanding subdivision (a), the internet website  
28 established pursuant to this section shall not include the name or  
29 location of any individual who is an abortion provider.

30 SEC. 3. Article 2.3 (commencing with Section 123451) is  
31 added to Chapter 2 of Part 2 of Division 106 of the Health and  
32 Safety Code, to read:

33  
34 Article 2.3. Abortion Practical Support Fund

35  
36 123451. (a) As used in this article, the following definitions  
37 apply:

38 (1) “Abortion” has the same meaning as defined in Section  
39 123464.

1 (2) “Commission” means the Commission on the Status of  
2 Women and Girls established by Section 8241 of the Government  
3 Code.

4 (3) “Fund” means the Abortion Practical Support Fund.

5 (4) “Grantee” means a qualifying nonprofit organization ~~that~~  
6 ~~assists pregnant people with direct practical support for the~~  
7 ~~purposes of obtaining an abortion and or~~ public research  
8 institutions in California that conduct research on reproductive  
9 ~~health, law, and policy.~~ *health.*

10 (5) “Practical support” means direct assistance, such as airfare,  
11 lodging, ground transportation, gas money, meals, dependent  
12 childcare, doula support, and translation services, to help a person  
13 access and obtain an abortion.

14 (b) The Abortion Practical Support Fund is hereby established  
15 in the State Treasury in the Women and Girls Fund in accordance  
16 with Section 8250.1 of the Government Code for the purpose of  
17 providing grants described in Section 123452. Moneys in the fund  
18 are available upon appropriation by the Legislature.

19 (c) The commission shall administer the fund.

20 (d) Moneys in the fund may be used to cover administrative  
21 costs.

22 (e) Notwithstanding any other law, the commission may receive  
23 moneys from nonstate entities, such as private sector entities, and  
24 local and federal government agencies, specifically to support the  
25 fund, and deposit these moneys into the fund.

26 123452. (a) The commission may use moneys in the fund,  
27 upon appropriation by the Legislature, to allocate grants to any of  
28 the following:

29 (1) Nonprofit organizations that are exempt from taxation under  
30 section 501(c) of the Internal Revenue Code and either specialize  
31 in assisting pregnant people who are low income, or who face  
32 ~~other financial barriers, with direct practical support services to~~  
33 ~~access and obtain an abortion or provide abortion services to those~~  
34 ~~persons. Grants awarded pursuant to this paragraph shall be used~~  
35 ~~for activities that increase patient access to abortion, including,~~  
36 ~~but not limited to, any of the following:~~ *barriers. A grant recipient*  
37 *under this paragraph shall use the funds awarded to fund a new*  
38 *program or support an existing program that increases patient*  
39 *access to abortion. By way of nonlimiting examples, the program*  
40 *and the awarded funds may be used for any of the following:*

1 (A) Practical support ~~services~~: *services related to seeking*  
2 *abortion care.*

3 (B) Abortion navigators, patient navigators, and community  
4 health workers services.

5 (C) Case management ~~support~~: *support for patients seeking*  
6 *abortions.*

7 (D) Costs associated with training volunteers and staff in the  
8 provision of practical support services to abortion patients.

9 (E) Costs associated with enabling grantees that meet the  
10 requirements of this section to assist people with practical support  
11 services, including staffing and administrative costs.

12 (F) Costs associated with coordinating practical support services,  
13 abortion providers, and other support services.

14 (2) Public research institutions in California that conduct  
15 research on reproductive ~~health, law, and policy~~, *health*, including  
16 research on abortion, contraception, and pregnancy. Grants awarded  
17 pursuant to this paragraph shall be used ~~for research to support to~~  
18 *support research on* equitable access to abortion, including, but  
19 not limited to, any of the following:

20 (A) To identify unmet educational and health needs related to  
21 abortion services which take into account community preferences  
22 for types of abortion services and level of care.

23 (B) Accurately assess the needs and preferences of people  
24 experiencing barriers to sexual and reproductive health, including  
25 abortion care.

26 (C) Evaluate, track, and assess progress and impact of any  
27 program, policies, and innovations ~~proposed as part of the~~  
28 ~~recommendations of the California Future of Abortion Council.~~  
29 *pertaining to equitable access to abortions.*

30 (b) (1) Unless otherwise specified by the commission, grants  
31 under this article are for a period of one year.

32 (2) An application for a grant shall be made on a form to be  
33 developed by the commission.

34 (3) Decisions regarding the grants and the funding level of the  
35 grant shall be made after consideration of all relevant factors, such  
36 as the recipient's anticipated level of need and the availability of  
37 funds.

38 ~~(4) Additional grants are authorized.~~

39 (4) *The commission may authorize additional grants to*  
40 *recipients as funding allows.*

1 (c) To administer this section, the commission shall use moneys  
2 in the fund, upon appropriation by the Legislature, to pay direct  
3 and indirect costs of the commission, including hiring costs. *Of*  
4 *the moneys appropriated, no more than 5 percent shall be available*  
5 *for the commission's administrative activities related to planning*  
6 *and production of grants.*

7 (d) The commission shall use moneys in the fund, upon  
8 appropriation by the Legislature, to maintain a system of financial  
9 reporting on all aspects of the fund. The financial reporting shall  
10 include, but is not limited to, information from the grantees on  
11 their expenditures and activities using grant funds associated with  
12 this article as the commission deems necessary to ensure the use  
13 of the funds are consistent with the purposes of this article and the  
14 terms of any grant award.

15 (e) For purposes of this section, the commission shall not require  
16 the submission of any identifying personal information about  
17 individuals receiving practical support *or medical* services as part  
18 of an application for a grant or reporting of expenditures and  
19 activities using grant funds under this article. Information required  
20 by the commission may only include information in summary,  
21 statistical, or other forms that do not identify particular individuals.

22 (f) An application for a grant under this article and financial  
23 reporting by grantees are exempt from disclosure under the  
24 California Public Records Act (Division 10 (commencing with  
25 Section 7920.000) of Title 1 of the Government Code).

26 (g) *The commission shall conduct an evaluation of the program*  
27 *and shall report its findings to the Legislature no later than*  
28 *January 1, 2025, and on an annual basis no later than each*  
29 *January 1 thereafter. The first annual report shall cover the period*  
30 *of July 1, 2023, to July 1, 2024, inclusive. Each subsequent annual*  
31 *report shall cover the previous fiscal year. The commission may*  
32 *use moneys in the fund, upon appropriation by the Legislature,*  
33 *for the evaluation of the program. The report shall be submitted*  
34 *in compliance with Section 9795 of the Government Code.*

35 SEC. 4. The Legislature finds and declares that Section 3 of  
36 this act, which adds Section 123452 of the Health and Safety Code,  
37 imposes a limitation on the public's right of access to the meetings  
38 of public bodies or the writings of public officials and agencies  
39 within the meaning of Section 3 of Article I of the California  
40 Constitution. Pursuant to that constitutional provision, the

- 1 Legislature makes the following findings to demonstrate the interest
- 2 protected by this limitation and the need for protecting that interest:
- 3     The public interest to protect the privacy of patients of abortion
- 4 services outweighs the public's right of access to that information.

O