



PROPOSITION 1

Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment.

ANALYSIS OF MEASURE

BACKGROUND

Federal Law

Due to Recent Court Case, Right to Abortion No Longer Protected by U.S. Constitution. In the past, the U.S. Supreme Court found that the U.S. Constitution generally protected the right to abortion. As a result, states had limited ability to place restrictions on abortions. However, in June 2022, the U.S. Supreme Court decided that the U.S. Constitution does not protect the right to abortion. As such, states now have more flexibility to decide whether to allow, limit, or ban abortions.

Federal Law Protects Rights to Contraceptives. The U.S. Supreme Court has found that the U.S. Constitution protects the right to buy and use contraceptives (such as condoms, birth control pills, and other birth control products). In addition, federal law requires most health insurance plans to pay for contraceptives.

State Law

State Law Provides Right to Reproductive Privacy. The California Constitution guarantees everyone the right to privacy but does not define what this right includes. However, the California Supreme Court has found that this right to privacy includes the right to make reproductive choices, such as whether or not to have an abortion or use contraceptives. In addition, state law was later passed to expressly protect these rights.

State Law Places Some Restrictions on Abortions. Because of the way California courts have interpreted the right to privacy, the state can only restrict abortions when needed to meet certain state interests such as public health and safety. For example, California law requires abortion providers to be licensed. In addition, abortions can only be performed on a viable fetus if the pregnancy puts the health or life of the person who is pregnant at risk. Under state law, a fetus is considered viable if the fetus likely would be able to survive outside the uterus.

State Helps Pay for Health Care for Many Californians

California Provides Health Care to Many Low-Income Californians. The federal-state Medicaid program, known as Medi-Cal in California, provides health coverage to eligible low-income California residents. Health care services covered by Medi-Cal include abortions and contraceptives. The state and federal government share the cost of most Medi-Cal services including contraceptives. However, the state pays the full cost of abortions provided through Medi-Cal.

Many Californians Purchase Health Insurance Through Covered California. About 2 million Californians buy health insurance plans through the state's health insurance market, Covered California. Health care services covered by these plans include abortions and contraceptives. For most people enrolled in Covered California, the state and federal government help pay for at least some of the cost of buying these plans. However, the state alone pays for the cost of the plans to cover abortions for these people.

PROPOSAL

Proposition 1 changes the California Constitution to say that the state cannot deny or interfere with a person's reproductive freedom and that people have the fundamental right to choose:

- Whether or not to have an abortion.
- Whether or not to use contraceptives.

FISCAL EFFECTS

No Direct Fiscal Effect. Proposition 1 would change the California Constitution to expressly include existing rights to reproductive freedom. Because these rights already exist in California, the proposition would have no direct fiscal effect. However, whether a court might interpret the proposition to expand reproductive rights beyond existing law is unclear. If a court finds that the proposition expands these rights, there could be fiscal effects to the state.

YES/NO STATEMENT

A **YES** vote on this measure means: The California Constitution would be changed to expressly include existing rights to reproductive freedom—such as the right to choose whether or not to have an abortion and use contraceptives.

A **NO** vote on this measure means: The California Constitution would not be changed to expressly include existing rights to reproductive freedom. These rights, however, would continue to exist under other state law.

SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT

- No direct fiscal effect because reproductive rights already are protected by state law.

BALLOT LABEL

Fiscal Impact: No direct fiscal effect because reproductive rights already are protected by state law.