



## Proposition One Q & A

**Q:** Doesn't Prop One simply enshrine the right to abortion announced in *Roe v. Wade* into the state constitution?

**A:** No. Prop One goes beyond the abortion right announced in *Roe*. Supreme Court decisions *Roe* and *Planned Parenthood v. Casey* allowed state regulation of abortion and asserted that a state could ban abortion after viability, with exceptions for the life and health of the mother. Prop One's wording allows for no exceptions or state regulations of abortion:

"SEC. 1.1. The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives."

**Q:** Doesn't current California law prohibit abortions after viability unless performed to protect the life and health of the mother? Isn't this what Prop One is all about?

**A.** Not really, and no. While it is true that California Health and Safety Code Sec. 123468 states that abortions performed upon a woman after viability are "unauthorized" (not "criminal" or even "illegal") unless done to preserve her life and health, the questions of viability and health reasons are entirely up to the abortionist to determine. There is no state mechanism of enforcement and no bright line of when viability occurs or what health issue is sufficient to justify the abortion. This is why [Medi-Cal pays for abortions throughout all nine months of pregnancy, with no medical reason or "authorization" needed.](#)

Furthermore, unlike Sec. 123468, Prop One does not contain any language regarding viability. The "reproductive freedom" announced in it is absolute.

**Q:** Isn't Prop One necessary to protect abortion rights?

**A:** Not at all. Currently, the right to privacy in the California Constitution has been judicially interpreted to include the right to abortion. What Prop One actually would do is deny the right of the people of the State of California to protect the life of an unborn child at whatever point and in whatever manner WE THE PEOPLE decide.