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State of California
DEPARTMENT OF JUSTICE



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Sent via email

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RE: Proposal to Discuss a Resolution Banning Abortions in the City of Temecula

Dear Mayor Rahn, Mayor Pro Tem Schwank, and City Council Members:

It has come to the attention of the Attorney General's Office that at the September 13, 2022 meeting of the Temecula City Council, a member of the City Council stated her intent to introduce a resolution that would purport to ban abortions in the City of Temecula. It is our understanding that such a resolution may be on the agenda for your next City Council meeting on September 27, 2022.

As I am sure you are well aware, local laws may not conflict with state laws. (See Cal. Const. art. XI, § 7.) Local legislation that conflicts with the general laws of the state are void. (*Cohen v. Board of Supervisors* (1985) 40 Cal.3d 277, 290; *People ex rel Deukmejian v. County of Mendocino* (1984) 36 Cal.3d 476, 484.) A conflict exists if the ordinance duplicates, contradicts, or enters an area occupied by general law, either expressly or by legislative implication. (*Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897.)

The California Legislature and the California Supreme Court have declared time and again that California is a reproductive freedom state and that Californians have a right to access abortion. In 1981, the California Supreme Court held that “all women in this state rich and poor alike possess a fundamental constitutional right to choose whether or not to bear a child.” (*Comm. to Defend Reprod. Rights v. Myers* (1981) 29 Cal.3d 252, 262.) Consistent with this precedent, the Legislature enacted the Reproductive Privacy Act (RPA), which codified a woman’s fundamental right to procreative choice. (Health & Saf. Code, § 123462.) To that end, the Legislature forbid the state “and every county, city, town and municipal corporation” in the state from interfering with a woman’s right to choose to bear a child or to obtain an abortion. (Health & Saf. Code, §§ 123464, subd. (c), 123466; see also *Missionary Guadalupanas of Holy Spirit Inv. v. Rouillard* (2019) 38 Cal.App.5th 421, 435 [abortions are a “basic health care service” and must be covered by health plans].)

Any attempt by the City of Temecula to limit an individual’s ability to exercise their right to reproductive choice and bodily autonomy would be a violation of state law. California’s Attorney General takes seriously his obligation to protect Californians’ right to reproductive freedom. Our office will not hesitate to take legal action should a local regulation conflict with California state law.

Thank you very much.

Sincerely,



RENUKA GEORGE

Senior Assistant Attorney General

For ROB BONTA
 Attorney General

cc: Peter Thorson, Shareholder, Richards, Watson, and Gershon, City Attorney for the City of Temecula (pthorson@rwglaw.com)