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April 3, 2023

Assembly Chair, Lisa Calderon  
Assembly Insurance Committee  
1020 N Street, Room 369  
Sacramento, California 95814

**Re: Letter in Opposition to AB 571**

Dear Chairman Calderon and Members of the Assembly Health Committee,

On behalf of the Right to Life League, I urge you to vote NO on AB 571.

**As currently drafted, AB 571 violates the California state constitution. AB 571 favors abortion services over birthing services and should be amended to cure this oversight.**

AB 571 would prohibit an insurer from denying coverage for liability for damages arising from offering, performing, or rendering abortion, contraception, gender-affirming health care, or care related to those health care services, if those services are within the scope of the insured's license and the policy would otherwise cover liability for damages arising from performing or rendering other professional services within the insured's scope of license.

It does so by narrowly defining the "prohibited bases for discrimination" in Section 11589.1(d) as part of its proposed addition to the California Insurance Code. AB 571 allows insurers to deny coverage for liability for damages arising from offering, performing, or rendering prenatal and OB-GYN services, including childbirth and perinatal services.

Accordingly, AB 571 creates unequal financial treatment of abortion and childbirth in violation of the California Constitution, pursuant to *Committee to Defend Reproductive Rights v. Myers*, 29 Cal.3d 252 (1981). In 1981, conservative forces in the state legislature sought to limit access to abortion services through various budget acts. In *CDRR v. Myers*, the California Supreme Court struck down the legislature's ban on Medi-Cal funding of abortion.

The Court emphasized that the state could not intervene in the very intimate decision about whether to give birth or have an abortion, e.g.,:

By virtue of the explicit protection afforded an individual's inalienable right of privacy by article I, section 1 of the California Constitution, however, the decision whether to bear a child or to have an abortion is so private and so intimate that each woman in this state -- rich or poor -- is guaranteed the constitutional right to make that decision as an individual, uncoerced by governmental intrusion. Because a woman's right to choose whether or not to bear a child is explicitly afforded this constitutional protection, in California the question of whether an individual woman should or should not terminate her pregnancy is not a matter that may be put to a vote of the Legislature.

**If the state cannot directly prohibit a woman's right to obtain an abortion, may the state by discriminatory financing indirectly nullify that constitutional right? Can the state tell an indigent person that the state will provide him with welfare benefits only upon the condition that he join a designated political party or subscribe to a particular newspaper that is favored by the government? Can the state tell a poor woman that it will pay for her needed medical care but only if she gives up her constitutional right to choose whether or not to have a child?**

There is no greater power than the power of the purse. If the government can use it to nullify constitutional rights, by conditioning benefits only upon the sacrifice of such rights, the Bill of Rights could eventually become a yellowing scrap of paper.

To cure this unconstitutional, discriminatory oversight, the “prohibited bases for discrimination” in subsection Section 11589.1 (d) should be amended to prohibit an insurer from denying coverage for liability for damages arising from offering, performing, or rendering prenatal and OB-GYN services, including childbirth and perinatal services.

Please vote NO on AB 571 and recommend the author expand protections against discrimination in Section 11589.1(d) to include childbirth services.

Very Truly Yours,



Susan S. Arnall, Esq.  
Vice President of Legal Affairs  
Right to Life League

