



n a p a w f
national asian pacific american women's forum

1050 17th Street, N.W., Ste 250

Washington, DC 20036

T (202) 293-2688; F (202) 293-4507

www.napawf.org

APA Women and Proposition 73

"Reproductive freedom and the notion of 'choice' for Asian American women . . . includes a broader framework of racial, gender and economic justice. Reproductive freedom includes the struggle for the very existence of Asian women in America, their right to establish families and communities, having and making reproductive "choices" freely

. . . .¹⁶

History of Proposition 73:

- In 1987, California lawmakers passed a law to require minors to obtain permission from their parents for an abortion. The law was appealed and enjoined by the courts from going into effect.
- In 1996, the state supreme court upheld the constitutionality of the law.
- In 1997, in a rare move, the court reversed its earlier ruling and struck down the law as a violation of the privacy rights guaranteed under the state constitution. In American Academy of Pediatrics v. Lungren, the court aptly recognized that minors are often unwilling to inform their parents of medical conditions due to their sexual conduct.¹ Whether out of fear or embarrassment, many minors will avoid treatment if they are forced to notify their parents.

What is Proposition 73?

- **Parental Notification:** Proposition 73 (a.k.a. the Parents' Right to Know Act) is a constitutional amendment that would prevent girls under age 18 from having an abortion until 48 hours after a doctor has informed her parents or legal guardians in writing.
- **Physician Civil Liability:** The law would make doctors liable for civil damages if they fail to comply with the notification requirement.
- **Exemptions:** Exemptions will be allowed in medical emergencies when a doctor determines that delaying the abortion puts the teen's life at risk or creates "serious risk of substantial and irreversible impairment of bodily function." Minors can seek a juvenile court order waiving the parental notification requirement "based on clear, convincing evidence of minor's maturity or best interests." A judicial bypass would also be provided for cases of physical or sexual abuse by the parent or guardian, and a minor will be guaranteed access to the juvenile court if she is being coerced to have an abortion.
- **Reports to Department of Health Services (DHS):** The law would require physicians who perform abortions on minors to file reports with the state DHS. DHS would then be required to make public statistical reports on abortions on minors, which would include numbers by month and county, minors' ages, stages of pregnancy, types of procedures, numbers of emergency procedures and number of judicial bypasses.

Some Facts on APA Teen Pregnancy

- Despite the model minority myth, which creates the public perception that teen pregnancy is not a concern for the APA community, certain ethnic subgroups have disproportionately high teen birth rates. In fact, APA teens currently have one of the fastest growing teen pregnancy rates in the nation, at a time when U.S. teen births overall are decreasing. For instance, Laotian and Guamanian American and Native Hawaiian teens have some of the highest teen birth rates in California. Disaggregating data by ethnic sub-populations is essential to understanding the prevalence of teen pregnancy in the APA community.
- A survey of teens of color found that teens prioritize confidentiality above all else in matters related to their reproductive health. If they are forced to tell their parents about their sexual or reproductive habits, they are less likely to seek the help they need.
- Over two-thirds of APA women are sexually active, yet less than 40% regularly use contraception, increasing their risk of becoming pregnant and contracting STDs.
- According to the American Medical Association, 70% of California's physicians are white. Requiring health care providers to become "informants" can add an additional layer of distrust for APA teens when coupled with lack of cultural and linguistic competency. Given that 60% of the APA population is foreign-born, these are not insignificant barriers.

* Foo, Lora Jo, Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy, (2002).



n a p a w f
national asian pacific american women's forum
1050 17th Street, N.W., Ste 250
Washington, DC 20036
T (202) 293-2688; F (202) 293-4507
www.napawf.org

Proposition 73's Impact on APA Young Women:

- **Cultural Insensitivity:** Proposition 73 will effectively limit APA teens' reproductive health options. Studies reveal that reproductive and sexual health issues are generally not discussed in APA families. One study found that more than half of the young APA women surveyed felt uncomfortable talking about sexual and reproductive health with their mothers, and more than one third never discussed pregnancy, STDs, birth control, and sexuality in their households. Proposition 73's will deter teens who are reluctant to discuss sexual health issues with their parents from seeking timely and safe abortions.
- **Delayed services:** The judicial bypass requirement is unrealistic because it can delay a pregnant minor from seeking timely services and health care, thereby increasing the risk and cost of late-term abortions.
- **Teen Pregnancy and Poverty:** There is a high correlation between unwanted teen pregnancy and poverty. APA women have a poverty rate of 13%, compared to 9% for Caucasian women. If a teen is already living in poverty, an unwanted pregnancy greatly increases the probability that she and her children will remain poor. Proposition 73 will create additional barriers for poor APA teens who choose to have an abortion. This cycle of poverty and teen pregnancy will be perpetuated because daughters of teen mothers are 83% more likely than other teens to become pregnant in their teens.
- **Lack of Health Insurance:** Currently, 36% of APA women under age 65 lack health insurance. Those APA teens who lack health coverage will generally go to community health clinics to receive sexual reproductive health care services. Physicians at these clinics, who routinely detect sexually transmitted diseases and other reproductive health conditions while providing services, effectively become the primary care provider for many APA teens, especially those who are low-income and undocumented. If APA teens are forced to notify their parents, then it is unlikely that they will seek abortion services or other health care services that protect their overall health, safety, and well-being.

Recommendations for Action:

- ***Oppose Proposition 73 in the November 8, 2005 special election.***
- ***Engage in efforts to educate the APA and women's community about the dangers of Proposition 73 through volunteering at phone banks, distributing pamphlets at Asian businesses, and encouraging people to voice their opposition on November 8.***
- ***Partner with community, state, and national organizations to mobilize California residents around Proposition 73.***
- ***Organize and participate in education forums about the impact that Proposition 73 will have on the APA women's community.***

September 2005

NAPAWF is dedicated to forging a grassroots progressive movement for social and economic justice and political empowerment of Asian Pacific American women and girls.

ⁱ 16 Cal.4 307 (Cal. 1997).

Resources:

Foo, Lora Joo, *Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy* (2002).
Lee, Tom, *Some Groups See Rise in Teen Pregnancy*, *Asian Week: The Voice of Asian America*, Vol. 21, No. 41 (June 8, 2000).
Young Women of Color and Proposition 73, California Women's Law Center, at www.cwlc.org.