mayors innovation project



July 2022

Supporting Local Reproductive Rights in a Post Roe America

Katya Spear

On June 24, 2022, the U.S. Supreme Court ruled on Dobbs vs. Jackson Women's Health Organization, determining that a right to an abortion is not protected under the U.S. Constitution, overruling the landmark Roe v. Wade decision. In the months since, cities and their leaders have sought to expand traditional strategies and pursue innovative approaches to protecting reproductive rights and mitigating damage from state legislatures.



Additionally, an April 7, 2023, ruling by a federal judge in Amarillo, TX, threatens to further restrict access to medical abortion by blocking FDA approval of mifepristone, a medication used in more than half of all abortions in the United States. This memo is an update to an earlier memo, issued immediately post-Dobbs, outlining a summary of city best practice actions that support reproductive freedom.

The Dobbs ruling created ripple effects on women's reproductive health and safety across the nation, disproportionately impacting rural, young, low income, and Black, Indigenous, and Latine women and families. In the wake of that ruling, many in states that restrict or ban abortion have found support and alternative care thanks to widespread availability of a two-drug/two-step regime of the drugs mifepristone and misoprostol. These medications were approved for medical abortion in the first trimester by the U.S. Food and Drug Administration (FDA) in 2000 and have been repeatedly shown to be safe and effective for that purpose. They currently account for more than half of U.S. abortions and are commonly prescribed and used to help manage early miscarriage, often negating the need for additional medical procedures when taken in combination.

Now, a federal judge's ruling in Amarillo, TX, threatens to further restrict access to medical abortion by banning the sale of mifepristone. This is unprecedented in our nation's history; a judge has never suspended the FDA's approval of a medication. The Biden Administration issued an immediate appeal of the Texas ruling and requested a stay pending appeal.

Also on April 7, in a separate case, a federal judge in the State of Washington affirmed the safety and efficacy of mifepristone, a ruling that would protect access to mifepristone in the 17 states and District of Columbia from which attorneys general filed the joint lawsuit that resulted in the ruling. The two rulings provide conflicting information that may further impede access in the 17 states not party to the Washington State lawsuit.

This decision creates further risks to women's health, and layers further burdens on those in states with the most restricted access to medical abortion and reproductive care. The decision could have far-reaching implications for all states outside of simply removing access, for example putting more pressure on already overwhelmed clinics that are still able to offer procedural abortions.

As a critical first step, **all mayors** and other city leaders whose cities are home to abortion clinics should reach out to, and establish relationships with, local abortion providers so that they can better understand local context, needs, and challenges related to public safety, access, funding, and communications. Cities that are home to abortion clinics are very likely to see a dramatic increase in people traveling to seek services, and potentially an uptick in clinic harassment and violence. Partnership with city government will be important to ensure full and safe access to abortion care.

Mayors in cities that are home to reproductive health clinics that do not provide abortion services should also connect with clinic leadership to establish an open line of communication about what pregnant people in your community are facing.

The following resources are divided into two sections: examples of best practices for cities in states that have retained abortion access and examples of best practices for cities in states that have banned or restricted abortion access. Primary documents are provided for these examples in the attached Briefing Book.

For cities in states that have retained abortion access, best practice includes committing to ensuring free and safe access to clinics, reaffirming local government commitment to reproductive freedom, and committing to (and providing funding for) bolstering access for those who may travel to seek services in your community.

Cities, including Los Angeles and San Diego, CA, passed resolutions reaffirming their commitment to maintaining their cities as a "safe haven" for reproductive freedom. Los Angeles County passed a resolution to support a pilot program of innovative approaches to safeguard access to abortion for patients arriving in Los Angeles County (SB 1245). The City of Chicago in Jan. 2023 passed an ordinance banning landlords and employers from discriminating or retaliating against an individual or an individual's family who has sought reproductive or gender-affirming care. The ordinance further prohibits employers from accessing a worker's personal health information on these issues without affirmative written consent.

West Palm Beach, FL has a "Quiet Zone" ordinance that restricts "loud, excessive, unnecessary or unusual noise" in certain areas of the city, including for health care facilities, which includes abortion centers. Sacramento, CA has passed an emergency ordinance to protect clinic staff and patients from harassment.

Along with protecting reproductive healthcare clinics, communities can act to regulate or combat misinformation form "crisis pregnancy centers" (CPCs) that do not offer medical care. They should begin by mandating transparency from health clinics and publicizing information about the deceptive practices of CPCs. An ordinance from San Francisco prohibits CPCs from making misleading statements or posting deceptive

advertisements about their services. Similarly, Hartford and New York City both have ordinances that require fake clinics to disclose whether there is a licensed medical provider on-site.

In Massachusetts, which has the highest number of CPCs in the nation, many cities including Somerville and Worcester have passed municipal legislation regulating CPCs. MA advocacy group Reproductive Equity Now has a model municipal ordinance as part of their toolkit for municipal action to expand access to reproductive care based on an ordinance passed in the City of Easthampton, MA.

For cities in states where abortion access is restricted but are not yet preempted from funding abortion and logistical support, best practices include "decriminalizing" abortion through actions like prohibiting local law enforcement from investigating or punishing people who seek reproductive health care and prohibiting government funding used to restrict, reproductive freedom.

Radnor Township PA passed an ordinance to prevent police from conducting any investigation, making any arrest, filing criminal charges, or cooperating with any other agency relating to abortion services. Boise, New Orleans, and Memphis have passed resolutions instructing local law enforcement agencies not to investigate or pursue abortion providers or people who have had abortions. Tucson's City Council acted with the Chief of Police to revise the police department's general orders and instruct that "no physical arrest" be made for alleged violations of the Arizona's abortion law. Austin's GRACE resolution prevents city funds from being used by local law enforcement to investigate, document, or share information about abortions, miscarriages, and reproductive healthcare.

The National Institute for Reproductive Health also has a local government guide to Meeting the Moment Post-Dobbs, with a wealth of information on municipal action.

The following pages include city resolutions, ordinances, and press releases mentioned in this brief.

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the ability to access safe and legal abortions is an important human right; and

WHEREAS, according to the Center for Reproductive Rights, 970 million women, representing 59% of women of reproductive age, live in countries that broadly allow abortion and 41% of women of reproductive age live under restrictive laws; and

WHEREAS, legal restrictions on abortion do not result in fewer abortions and instead compel those seeking abortions to risk their lives and health by resorting to unsafe abortion practices; and

WHEREAS, according to the World Health Organization, 23,000 women die of unsafe abortions each year; and

WHEREAS, women across the world have fought for the right to access safe and legal abortion for decades; and

WHEREAS, in the United States, the 1973 *Roe v. Wade* Supreme Court decision affirmed the right to receive an abortion under the 14th Amendment; and

WHEREAS, the 1992 *Planned Parenthood v. Casey* Supreme Court decision upheld the right to receive an abortion, adding that any restrictions should be evaluated under an undue burden standard; and

WHEREAS, in December of 2021, the Supreme Court of the United States heard oral arguments in *Dobbs v. Jackson Women's Health Clinic* concerning a Mississippi abortion law that directly challenges *Roe v. Wade*; and

WHEREAS, an initial draft opinion of the Supreme Court of the United States on *Dobbs v. Jackson Women's Health Clinic* holds that *Roe v. Wade* must be overruled; and

WHEREAS, millions of women across the United States could soon lose their legal right to abortion if *Roe v. Wade* is overturned; and

WHEREAS, the greatest impact of this decision would be felt by marginalized groups who already face significant barriers accessing abortion care, particularly low-income women of color; and

MAY 0 4 2022

WHEREAS, research suggests banning abortion in the United States would lead to an estimated 21% increase in the number of pregnancy-related deaths overall and a 33% increase in the number of pregnancy-related deaths among Black women; and

WHEREAS, the City of Los Angeles will continue its staunch advocacy for reproductive rights and its committment to serve as a safe haven for all people seeking abortions;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2022-2023 State and Federal Legislative Program SUPPORT for any proposed legislation that would codify the right to safe abortion into law and urges the State and Federal government to take immediate action to pass legislation to this effect, as the Supreme Court of the United States appears poised to overturn *Roe v. Wade* in the coming weeks.

PRESENTED BY:

NITHYA RAMAN
Councilmember, 4th District

NURY MARTINEZ
Councilmember, 6th District

MONICA RODRIGUEZ
Councilmember, 7th District

ORIGINAL

SECONDED BY: _____

STEPHEN WHITBURN
CITY OF SAN DIEGO COUNCILMEMBER ● DISTRICT 3

PRESS RELEASE

Contact: Benny Cartwright
619-510-6883 Tuesday,
bcartwright@sandiego.gov

FOR IMMEDIATE RELEASE
May 24, 2022

San Diego: A Safe City for Reproductive Freedom and Access to Abortion

In an effort led by Councilmember Stephen Whitburn, the San Diego City Council voted 8-0 to declare that San Diego is a safe city for reproductive freedom and access to abortion.

SAN DIEGO – Today, the San Diego City Council voted 8-0 on a Resolution Declaring San Diego a Safe City for Reproductive Freedom and Access to Abortion. The resolution was brought forward by Councilmember Stephen Whitburn and joined by Council President Pro Tem Monica Montgomery Steppe, Councilmember Jennifer Campbell, and Councilmember Marni von Wilpert.

While abortions will continue to be legal in California should the Supreme Court hand down a ruling that would end the constitutional right to abortion by overturning Roe v. Wade, as the second-largest city in the state and one of the 10 largest cities in the country, the City of San Diego has the responsibility to show that we are a safe city where every citizen and visitor will have reproductive freedom and access to abortion.

“No matter what happens with the Supreme Court ruling, no matter who you are or where you come from, no matter the color of your skin or your socioeconomic status, I want everyone to know that you are welcome in the City of San Diego to exercise your reproductive rights,” said councilmember Stephen Whitburn. “I want all San Diegans who are scared and frustrated about this potential ruling to know that you have members of this city council and a Mayor that have your back, and we will not back down.”

Council President Pro Tem Monica Montgomery Steppe, who represents San Diego’s Fourth Council District, said:

“Access to abortion care is an imperative service along the reproductive health spectrum, and loss of this access can significantly impact the quality of life for so many women--especially women of color. As a champion for equity in our city, I stand with my colleagues in declaring San Diego as a safe space that reclaims dignity and reestablishes the right of autonomy and choice over our bodies.”

Councilmember Jennifer Campbell, who represents San Diego’s Second Council District, said:

“Roe v. Wade protects people’s liberties to have the right to an abortion. The landmark decision by the U.S. Supreme Court allows people, the right to an abortion without government interference. As a woman, and as a family physician, I value people’s rights and I value people’s right to choose. Today's San Diego City Council Resolution shows that San Diego stands in solidarity with Roe v. Wade and with people’s right to choose.”

Councilmember Marni von Wilpert, who represents San Diego’s Fifth Council District, said:

"Today, I am proud to stand with my colleagues to announce our commitment to fight for quality, safe, reproductive healthcare and family planning services for anyone who needs it. We are bringing forth this resolution to send a message- that the City of San Diego will not stand for an assault on women’s rights."

It is believed that San Diego is the first city in the nation to adopt a resolution declaring a safe city for reproductive freedom and access to abortion.

###

AGN NO.

MOTION BY SUPERVISORS HOLLY J. MITCHELL AND SHEILA KUEHL May 3, 2022

Senate Bill 1245 (Kamlager): Los Angeles County Abortion Access Safe Haven Pilot Program

January 20, 2022, marked the 49th anniversary of Roe v. Wade (Roe), the 1973 United States (U.S.) Supreme Court Decision that determined that the U.S. Constitution provides a right to privacy and protects a woman's right to choose whether or not to have an abortion. The current U.S. Supreme Court will soon decide two new cases, Dobbs vs. Jackson Women's Health Clinic and Whole Woman's Health vs. Jackson which both seek to overturn Roe. If Roe is overturned, states would have the authority to either ban abortions or impose restrictions that would restrict abortion access. Governor Gavin Newsom and California legislators have declared their intent that California be open to out-of-state women seeking access to abortion. Governor Newsom and the California Legislature are considering various proposals, including subsidies for out-of-state women.

Preserving women's access to quality reproductive healthcare services is critical. On January 25, 2022, the Los Angeles County (County) Board of Supervisors (Board) unanimously approved a motion authored by Chair Holly J. Mitchell and co-authored by Supervisor Kuehl, directing the Chief Executive Officer (CEO) and departments to report back to the Board with a plan for how the County can protect and expand access to abortion rights and reproductive healthcare should Roe be overturned this year. On March

- MORE -

MOTION

SOLIS	_____
KUEHL	_____
HAHN	_____
BARGER	_____
MITCHELL	_____

9, 2022, the CEO issued its report. The CEO and departments are currently working and engaging with key community groups, including Planned Parenthood Los Angeles and others to create a plan that describes how California and the County will continue to protect the right to abortion and quality reproductive healthcare services.

As a result of the ongoing attacks against the right to a safe and legal abortion and sexual and reproductive healthcare, the California Future of Abortion Council released its legislative priorities to prepare the State to adequately serve Californians while absorbing the increase in out-of-state patients forced to seek care here due to extreme abortion bans and restrictions in their home states.

Senate Bill (SB) 1245 (Kamlager) is a critical piece of legislation that builds upon the work and the motion that was passed by the Board. SB1245 would establish a reproductive healthcare pilot project in the County to support innovative approaches and patient-centered collaborations to safeguard patient access to abortions, regardless of residency. It would also amplify the work of being a safe haven for abortion and reproductive healthcare. This bill aims to address the current barriers to accessing abortion care in California and will expand the work around sexual and reproductive healthcare services in the largest County in the nation.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Direct the County of Los Angeles Sacramento Advocates to support Senate Bill 1245, contingent upon the State of California (State)'s allocation of funds to support the program, and its companion State budget request of a $20 million one-time allocation to support the pilot project. Also, direct Sacramento Advocates to request amendments to allow this funding to be administered by qualifying community-based providers.

# # #

(YV)

City of West Palm Beach- Quiet Zone around Health Care Facilities

Sec. 34-35. Noises; unnecessary and excessive prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

(2) *Radios, televisions, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible inside of a receiving property across a property line or in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.

(4) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper municipal or County authorities.

(5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom.

(6) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.

(7) *Schools, courts, houses of worship.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the inhabitants of such facilities, provided conspicuous signs are displayed in such streets indicating that it is a school, house of worship or court street.

(8) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(9) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any

performance, show, sale, display or advertisement of merchandise or within a quiet zone established pursuant to section 34-38 below.

(10) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this City for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned or within a quiet zone established pursuant to section 34-38 below.

(11) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain or at a residence out-of-doors between 8:00 p.m. and 7:00 a.m.

(12) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area or within a quiet zone established pursuant to section 34-38 below.

(Ord. No. 4136-08, § 1, 4-21-2008; Ord. No. 4336-11, § 1, 3-7-2011)

Sec. 34-36. Responsibility for compliance.

For purposes of this article, any person owning or having responsibility for management of a premises, however temporarily, any performer or disc jockey producing sound upon any premises, any person playing music, any person having control or volume knobs or levels, and the business as named on the occupational license, if applicable, shall be jointly and severally liable for compliance with this article and shall be responsible for any violations of this article.

(Ord. No. 4136-08, § 1, 4-21-2008)

Sec. 34-37. Noise level in specific area.

(a) *Purpose.* The purpose of these regulations is to allow for areas of the city where the ambience contributes to the enjoyment by residents and visitors of uses that feature the serving of food and beverages accompanied by outdoor live and pre-recorded musical entertainment.

(b) *Boundaries.* The area for which this section applies shall be the same area that is governed by the downtown master plan.

(c) *Limitation on noise volume.*

(1) It shall be unlawful for any person, sound device or establishment to make, continue, or cause to be made or continued, any unreasonably loud, excessive, unnecessary or unusual noise in the boundary described in subsections (a) and (b) of this section.

a. In the Clematis waterfront district conservation district (CWD-CD), or in the area of the CityPlace district (CPD) consisting of Gardenia Street to the north, South Rosemary Avenue to the West,

South Quadrille Blvd to the East and Okeechobee Boulevard to the South, any sound that exceeds 85 dBA or 90 dBC will be deemed "unreasonably loud."

b. In all other areas of the downtown master plan that are not described in subsection (c)(1)a., any sound that exceeds 65 dBA will be deemed "unreasonably loud."

c. Any sound emanating from a person, sound device or establishment will be measured by the decibel limit that applies to the area the person, sound device or establishment occupies when the sound is made.

(2) All procedures for enforcement of violations of the noise limitations in subsection (c)(1) of this section and for appeals of notices of violations issued by code enforcement officers shall be, governed by section 34-41 and section 34-42 of this chapter.

(d) *Applicability of zoning provisions.* The regulations set forth in this section shall be supplementary to all other provisions, and the zoning regulations set forth in chapter 94 shall continue to apply within the area.

(e) *Applicability of temporary permits and exemptions.* Nothing in this section shall be construed to limit the availability of temporary permits or exemptions as set forth in section 34-39 and section 34-40 of this chapter.

(Ord. No. 4136-08, § 1, 4-21-2008; Ord. No. 4535-14, § 2, 7-6-2015)

Sec. 34-38. Sound limitations for health care facilities.

(a) *Purpose.* The purpose of these regulations is to create an area surrounding health care facilities that is quiet and free from shouting or other amplified sound.

(b) *Limitations.* No person shall shout or, cause to be produced, or allow to be produced, by any means, any amplified sound, including a loudspeaker, drum, radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio instrument or device that produces or reproduces amplified sound on any public street or sidewalk or from private property within 100 feet of the property line of a property housing a health care facility or any other institution reserved for the sick or infirmed, provided that the public streets or sidewalks adjacent to such facilities shall be clearly marked by conspicuous signs identifying those areas. "Health care facility" as used in this subsection, includes, but is not limited to, hospitals, physicians' offices, walk-in medical centers, medical diagnostic centers, surgical centers, and facilities which are licensed, certified or otherwise authorized to perform medical procedures in this state and to provide health services. "Health care facility" shall not include residential homes, convalescent homes or other facilities that provide long term residency. Any health care facility that identifies the facility as being located in a quiet zone in accordance with subsection (c) below shall be subject to the same limitations on amplified sound described in this section within 100 feet of the property line of a property housing such health care facility.

(c) *Signage required.* It shall be the duty of each health care facility or owner of such establishment to erect and maintain lampposts or signs in some conspicuous place on every street, avenue or alley in the vicinity of

every health care facility, public or private, indicating that the same is a "Quiet Zone." The signs which must meet and conform to the city's sign code shall be placed on such streets, avenues or alleys upon which a health care facility is situated and shall read in a manner similar to, but not restricted to, the following: "Hospital — Quiet Zone" or "Health Care Facility — Quiet Zone." (Ord. No. 4136-08, § 1, 4-21-2008; Ord. No. 4336-11, § 1, 3-7-2011)

ORDINANCE No. 2022-07

AN ORDINANCE OF RADNOR TOWNSHIP DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 67 OF THE ORDINANCES OF RADNOR, POLICE DEPARTMENT TO PROVIDE FOR ENFORCEMENT LIMITATIONS REGARDING BANS OF CERTAIN REPRODUCTIVE HEALTH SERVICES

WHEREAS, a draft Opinion of the Supreme Court of the United States has suggested that that Court may in the near future overturn its prior decision in *Roe v. Wade,* 410 U.S. 113 (1973) and its progeny; and

WHEREAS, in the aftermath of the publication of the draft opinion, bans on access to reproductive health services have been proposed at the state and national level;

WHEREAS, it is the intention of Radnor Township to decline participation in any such ban, and to codify and restate reproductive rights as they currently exist to the fullest extent of its authority under the Radnor Township Home Rule Charter; and

NOW, THEREFORE, be it ***ENACTED AND ORDAINED*** by the Board of Commissioners of Radnor Township that Chapter 67 of the Ordinances of Radnor Township, titled Police Department is amended to add a new Article III as follows:

SECTION I. Chapter 67, Police Department

Article III: Limitations on Enforcement.

§ 67-11 Limitations on Enforcement related to reproductive health.

No police officer or other person acting under color of law on behalf of Radnor Township or using resources or assets belonging to Radnor Township shall conduct any investigation, make any arrest, file any criminal charges, cooperate with any other officer, agent, agency, or department, or participate in any prosecution in which a person is accused of facilitating, providing, or receiving abortion services with the consent of the pregnant person during the first twenty-four weeks of any pregnancy, or when the life or health of the pregnant person is endangered by continuation of the pregnancy.

SECTION II. If any part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining parts of this ordinance which shall continue to be fully operative as if the unconstitutional, illegal or invalid part had not been enacted.

SECTION III. Any and all provisions of any other ordinance which are inconsistent with the provisions of this ordinance are hereby repealed.

SECTION IV. This ordinance shall be effective thirty-one (31) days from the date of enactment hereof.

SO RESOLVED this_____day of June, A.D. 2022.

RADNOR TOWNSHIP

By: _____
Moira Mulroney
President

Attest:_____
William White
Manager/Secretary

301 W. Second Street
Austin, TX

City of Austin

Recommendation for Action

File #: 21-1181, **Agenda Item #:** 40. 3/4/2021

Posting Language
Authorize negotiation and execution of Amendment No. 1 to the agreement with Jane's Due Process to provide logistical support services for abortion access to add one-time funding in an amount not to exceed $100,000 and two 12-month extension options each in an amount not to exceed $150,000, for a revised total agreement amount not to exceed $550,000.

Lead Department
Austin Public Health.

Fiscal Note
Funding in the amount of $100,000 is available in the Fiscal Year 2020-2021 Austin Public Health Department Operating Budget. Funding for the remaining contract term is contingent upon available funding in future budgets.

Prior Council Action:
June 11, 2020 - Council authorized negotiation and execution of a contract with Jane's Due Process, to provide logistical support services for abortion access, for a term of one year for a total contract amount not to exceed $150,000, on an 11-0 vote.

For More Information:
Stephanie Hayden, Director, 512-972-5010; Adrienne Sturrup, Assistant Director, 512-972-5167; Laura La Fuente, Contract Management Unit Manager, 512-972-5077; Lucy Thompson, Agenda Coordinator, 512-9725045.

Council Committee, Boards and Commission Action:
August 14, 2019 - The Commission for Women passed Recommendation 20190814-03a03, requesting $150,000 to support abortion access in Austin, on a 7-0 vote.

Additional Backup Information:
This action will authorize the negotiation and execution of Amendment No. 1 to an agreement with Jane's Due Process to add one-time funding in an amount not to exceed $100,000 and two 12-month extension options each in an amount not to exceed $150,000, for a revised total agreement amount not to exceed $550,000.

The City's Commission for Women unanimously passed a resolution on August 14, 2019 (Recommendation 20190814-03a03), requesting $150,000 to support abortion access in Austin, and a budget amendment from Mayor Pro Tem Garza was included in the approved Fiscal Year 2019-2020 budget to support this effort.

The Purchasing Office issued a Request for Applications (RFQS 4700 SMW4000) for these services. The solicitation issued on April 27, 2020 and closed on May 19, 2020. Of the two applications received, Jane's Due Process submitted the best evaluated responsive application. A complete solicitation package, including a log of offers received, is available for viewing on the City's Financial Services website, Austin Finance Online.

On August 14, 2020, Council Members Pool, Ellis and Mayor Pro Tem Garza amended the Fiscal Year 20202021 budget to invest $100,000 for logistical support services for Austinites seeking abortion care.

Strategic Outcome(s):

Health and Environment and Government That Works for All.

RESOLUTION NO.

WHEREAS, the City of Austin honors the rights of pregnant people to bodily autonomy and control over their private medical decisions; and

WHEREAS, access to safe and legal abortion is a deciding factor in longterm health, safety, and quality of life; and

WHEREAS, the Supreme Court of the United States has overturned the 1973 landmark ruling, *Roe v. Wade*, which previously prevented individual states from directly banning such care; and

WHEREAS, on June 16, 2021, Texas Governor Greg Abbott signed into law HB 1280, which criminalizes abortion at the level of a first-degree felony, carrying a sentence of up to 99 years in prison, with no exceptions for rape or incest, and this Act will take effect statewide exactly 30 days after *Roe v. Wade* is overturned; and

WHEREAS, anti-choice legislators have weaponized the language of criminal law to stigmatize reproductive choice, and the Austin City Council considers the phrase "abortion, miscarriage, and reproductive healthcare" to accurately encompass all criminalized acts under the Texas trigger ban and other
Texas laws which seek to criminalize pregnancy outcomes; and

WHEREAS, people have a basic human right to medical treatment, up to and including abortion; and

DRAFT

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities and communities of color; and

WHEREAS, the resources of the City of Austin must always be dedicated to the health and wellbeing of its residents; and

WHEREAS, the Austin City Council has repeatedly demonstrated its commitment to abortion access in Resolution No. 20130321-045, Resolution No. 20140925-082, Resolution No. 20141120-038, Resolution No. 20151015-039, Resolution No. 20170126-045, Resolution No. 20181004-035, and Resolution No. 20210930-111; and

WHEREAS, in the 1973 *Roe v. Wade* majority opinion, Supreme Court Justice Harry Blackmun stated, "[The] right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy"; and

WHEREAS, the right to privacy should protect doctors, patients, and all others involved with medical treatment from any criminal investigation related to decisions made within the healthcare provider-patient relationship, including abortion, as long as those decisions occur without coercion, force, or negligence; and

WHEREAS, equitable access to abortion care requires financial and logistical support, most often provided by abortion funds, practical support

organizations, and volunteers who have been targeted by the State for providing these services; and

WHEREAS, the City of Austin has a responsibility to protect its residents from any violation of their human rights and any criminalization of the free exercise thereof; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City of Austin formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting its population's right to make reproductive health decisions for themselves, including abortion care; and

BE IT FURTHER RESOLVED:

It is the policy of the City that, except to the extent otherwise required by state or federal law, city funds will not be used to:

- Store or catalog any report of abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive healthcare;

- Provide information to any other governmental body or agency about any abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive healthcare, unless such information is provided to defend the patient's right to abortion care or the healthcare provider's right to provide that care; and

DRAFT

- Conduct surveillance or collect data or other information related to any individual, organization, location, vehicle, action, financial record,

internet activity for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personally identifying information or personal health information for purposes unrelated to criminal investigation, enforcement, or prosecution; and

BE IT FURTHER RESOLVED:

It is the intention of the City Council that this policy does not apply in cases where coercion or force is used against the pregnant person, or in cases involving conduct criminally negligent to the health of the pregnant person seeking care; and

BE IT FURTHER RESOLVED:

It is the further policy of the City that the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases where coercion or force is used against the pregnant person, or conduct criminally negligent to the health of the pregnant person seeking care, or in cases where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but as evidence of another crime, such as sexual assault; and

BE IT FURTHER RESOLVED:

The City Manager is directed to take appropriate steps to implement this resolution and to provide an oral presentation and written report to Council on the

implementation of this resolution, including changes to policies and procedures, at the work session on July 26, 2022. The City Manager may return to the council for

authorization of any needed policy clarifications or changes in the event of future changes to federal law, state law, or technology that affect this resolution.

ADOPTED: _____, 2022 **ATTEST:**

Myrna Rios
City Clerk

DRAFT

5

ELMS ID# 30067

A RESOLUTION
BY COUNCILMEMBER LILIANA BAKHTIARI

BANNING THE USE OF ANY CITY FUNDS TO RECORD AND/OR INVESTIGATE REPORTS OF ABORTION CARE AND REQUEST THAT THE ATLANTA POLICE DEPARTMENT PLACE REPORTS OF ABORTION-RELATED CARE AT THE LOWEST POSSIBLE PRIORITY; AND FOR OTHER PURPOSES.

WHEREAS, according to the National Institute of Reproductive Health, one in four women in the United States will have an abortion by the time they are 45 years old; and

WHEREAS, since *Roe V. Wade* was decided in 1973, several states have worked to enact restrictions to accessing abortion, causing widespread clinic closure, and significant barriers to accessing abortion care; and

WHEREAS, the Georgia General Assembly passed an anti-abortion law (HB 481) which was signed into law in 2019; and

WHEREAS, this bill was ruled unconstitutional due to the *Roe V. Wade* decision; and

WHEREAS, there is speculation that the Supreme Court of the United States will overturn the 1973 landmark ruling of *Roe V. Wade*; and

WHEREAS, limiting the access to abortions and abortion care have disproportionately affected low income, immigrant and women of color; and

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities and communities of color; and

WHEREAS, low-income women are more than five times as likely than affluent women to experience an unintended pregnancy, which has significant implications for social mobility given that unplanned childbearing is associated with higher rates of poverty, less family stability, and worse outcomes for children, according to a Brookings Center on Children and Families (CCF) paper; and

WHEREAS, several states, including the state of Georgia is ready to outlaw abortion, most are not willing to give new babies and their families the educational, medical, or financial support they need to lead a healthy life and that could leave tens of thousands of future children unnecessarily disadvantaged and living in poverty; and

WHEREAS, the Atlanta City Council supports a women's choice to choose and opposes the use of any City funds to record and or investigate reports of abortion care; and

WHEREAS, the right to privacy should protect doctors, patients and all others involved with medical treatment from any criminal investigation related to decisions made within the healthcare

provider-patient relationship, including abortion, as long as those decisions occur without coercion, force or negligence; and

WHEREAS, the Atlanta City Council has a responsibility to protect its residents from any violation of their human rights and any criminalization of the free exercise thereof.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA that no City funds shall be used to record and/or investigate reports of abortion care and the Atlanta Police Department is requested to place reports of abortion related care at the lowest possible priority.

BE IT FURTHER RESOLVED that the Atlanta City Council stands with those who condemn any actions intended to abrogate the fundamental liberties of women and affirms its commitment to protecting its residents' right to make reproductive health decisions for themselves, including abortion care.

BE IT FURTHER RESOLVED, that it is the policy of the City that except to the extent otherwise required by state or federal law, city funds will not be used to:

- Store or catalog any report of abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive care;
- Provide information to any other governmental body or agency about any abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive healthcare, unless such information is provided to defend the patient's right to abortion care or the healthcare provider's right to provide that care; and
- Conduct surveillance or collect data or other information related to any individual, organization, location vehicle, action, financial record or internet activity for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personally identifying information or personal health information for purposes unrelated to criminal investigation, enforcement or prosecution.

BE IT FURTHER RESOLVED, it is the intention of the Atlanta City Council that this policy does not apply in cases where coercion or force is used against the pregnant person, or in cases involving conduct criminally negligent to the health of the pregnant person seeking care.

BE IT FURTHER RESOLVED, it is intention of the Atlanta City Council that the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases where coercion or force is used against the pregnant person, or conduct criminally negligent to the health of the pregnant person seeking care, or in cases where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but as evidence of another crime, such as sexual assault.

BE IT FINALLY RESOLVED, that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

Communities Fight Back Against Extreme Abortion Bans Local
Policy Recommendations for Responding to TX SB 8

On September 1, 2021, an extreme new abortion ban went into effect in Texas, making abortion significantly more difficult to access for millions of Texans. This law bans abortion after six weeks of pregnancy and allows anyone—including anti-abortion vigilantes—to enforce the ban by suing abortion providers and anyone who helps a person obtain an abortion after six weeks of pregnancy. While this ban is the first of its kind, Texas is not an outlier. SB 8 is part of a larger strategy of anti-abortion advocates and politicians to chip away at abortion access state by state, with the ultimate goal of banning abortion outright. Politicians in states like Florida have already indicated their intent to file bills similar to SB 8. And the pending Supreme Court Case, *Dobbs v. Jackson Women's Health Organization*, to be argued on December 1, directly challenges *Roe v. Wade*. If the Supreme Court overturns *Roe*, 24 states could immediately ban abortion outright.

Local leaders dedicated to reproductive rights and justice have the responsibility and opportunity to counteract these harmful laws by acting to expand abortion access and fight back against abortion stigma. All* Above All and the National Institute for Reproductive Health developed these municipal policy recommendations with input from the Trust Respect Access Coalition of Texas. The following are recommendations that will help all people, including Texans, access the abortion care they need without shame, unnecessary restrictions, or outside interference.

- **Allocate municipal funding to abortion.** Abortion funds have been working on the ground for decades to help people access abortion care, and they are in urgent need of funding. Allocating municipal funding to these organizations can help people in your community, and those who must leave Texas or other restrictive states for abortion care, navigate a range of barriers, such as paying for care out-of-pocket, taking time off work, arranging for childcare, and finding transportation. See our resource, "Best Practices in Municipal Abortion Funding," to learn more. Localities should also explore options to fund or cover abortion care through any existing health benefits or programs they provide.

- **Amplify calls to support abortion funds.** Local leaders can use their platforms to ensure that people know about and access the infrastructure that already exists to help people access abortion care. Provide information on relevant government websites about abortion funds and encourage community members to donate to these organizations via ActBlue, which supports 10 key organizations in Texas.

- **Consider corporate accountability measures.** Corporations like AT&T are some of the biggest donors to anti-abortion politicians who wrote and passed SB 8. Localities can review their existing contracts to determine if they are in business with any of these organizations, and consider ending the contracts early if legal, choosing not to renew these contracts when they expire, and/or speaking out against their actions both publicly and by contacting them directly. Officials can also choose not to enter into new contracts with these

companies and proactively call on corporations in their communities to voice support for abortion access.

There are some common responses to laws like SB 8 that advocates encourage you to avoid.

- **Do not boycott Texas.** Travel bans and boycotts of goods made in Texas are likely to most directly harm the same people most harmed by SB 8: people of color, immigrants, young people, people working to make ends meet, and people living in rural areas—many of whom are under-represented by the legislature that passed the law. Instead, show your commitment to economic and reproductive justice by allocating municipal funding to your local abortion fund.
- **Do not start a new abortion fund without mapping existing resources first.** Many people have been moved to action in response to the passage of SB 8; in some cases, this includes a desire to start a new organization to help people pay for abortions or practical support for abortion care. This is an admirable instinct, but it is important for people to first map out the resources that already exist in places like Texas, and their own communities, so as not to duplicate or undermine existing efforts. Contact local advocates, the National Network of Abortion Funds, or NIRH and All* Above All before acting to learn about what resources may already exist in your community.
- **Avoid actions that are merely symbolic.** Texans and people suffering under egregious abortion restrictions across the country need bold action from leaders at every level of government. Passing policies that make an impact and allocating funding that demonstrates your values are the most impactful ways to show your support for abortion access. If a resolution is the only possibility for your community, consider passing a proclamation recognizing Abortion Provider Appreciation Day on March 10 and organizing an action to celebrate your local abortion providers, after verifying that they are comfortable with your idea and it won't put them in danger. If you do pass a symbolic resolution, ensure you do so boldly - say the word "abortion," encourage testimony from supporters, distribute a press release about the resolution and why you sponsored it, and amplify the resolution on all channels you use to communicate with your constituents.

Contact Jenny Dodson Mistry at jmistry@nirhealth.org and Kelsey Woida at woida@allaboveall.org to learn more about these policy recommendations, access guidance on messaging to talk about abortion and avoid perpetuating abortion stigma, and get more information on how NIRH and All* Above All can support you in your work.

For more local policy recommendations to protect reproductive health, rights, and justice, review the Local Reproductive Freedom Index from the National Institute for Reproductive Health.

This brief is part of a series of publications MIP has released that was originally researched and compiled as a technical assistance memo to a participating member city. This memo was written in 2022 in response to a specific research question submitted by that member city. To make this publicly available, we've removed references to the original request and any location-specific recommendations. MIP members are invited to please reach out to us at knspear@mayorsinnovation.org to request their own policy memo on this or other topics.

About Mayors Innovation Project

The Mayors Innovation Project is a learning network among American mayors committed to "high road" policy and governance: shared prosperity, environmental sustainability, and efficient democratic government. We are a project of High Road Strategy Center.

mayors innovation project

1180 OBSERVATORY DRIVE, SUITE 7122

UNIVERSITY OF WISCONSIN–MADISON

MADISON, WI 53706

INFO@MAYORSINNOVATION.ORG

MAYORSINNOVATION.ORG

@MAYORINNOVATION