

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 long-term 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, that criminalizes abortion at the felony level with a sentence of up to 99 years in prison and no exception for rape or incest, and which will take effect statewide 30 days after the Supreme Court decision overturning *Roe v. Wade*; and

WHEREAS, anti-choice legislators have weaponized the language of criminal law to stigmatize reproductive choice, and the Council considers the phrase “abortion, miscarriage, or other reproductive healthcare act” to accurately encompass all criminalized acts under 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

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 must always be dedicated to the health and wellbeing of its residents; and

WHEREAS, the City Council has repeatedly demonstrated its commitment to abortion access in Resolution Nos. 20130321-045, 20140925-082, 20141120-038, 20151015-039, 20170126-045, 20181004-035, and. 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 providing abortion-related medical care from any criminal investigation related to decisions made within the healthcare provider-patient relationship so 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 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 the right of its residents to make reproductive health decisions, including abortion care, for themselves.

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 an abortion, miscarriage, or other reproductive healthcare act;
- Provide information to any other governmental body or agency about any abortion, miscarriage, or other reproductive healthcare act, unless such information is provided to defend the patient's right to abortion care or the healthcare provider's right to provide that care; or
- Conduct surveillance or collect information related to an individual or organization for the purpose of determining whether an abortion has occurred, except for aggregated data without personally identifying information or personal health information which is collected for purposes unrelated to criminal investigation, enforcement, or prosecution.

BE IT FURTHER RESOLVED:

The policy stated above 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:

POLICY DRAFT - NOT SUBJECT TO PIR

It is the 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 of City resources and personnel, except in cases (a) where coercion or force is used against the pregnant person, (b) of criminally negligent conduct involving the health of the pregnant person seeking care, or (c) where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but evidence of another crime.

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; and 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