

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 a safe and legal abortion is a deciding factor in long-term health, safety, and quality of life; and

6 **WHEREAS**, the Supreme Court of the United States has overturned the
7 1973 landmark ruling, *Roe v. Wade*, which previously prevented individual states
8 from directly banning such care; and

9 **WHEREAS**, on June 16, 2021, Texas Governor Greg Abbott signed into
10 law HB 1280, which criminalizes abortion at the felony level with a sentence of up
11 to 99 years in prison and no exception for rape or incest, and which will take effect
12 statewide 30 days after the Supreme Court judgment overturning *Roe v. Wade*; and

13 **WHEREAS**, anti-choice legislators have weaponized the language of
14 criminal law to stigmatize reproductive choice, and the Council considers the
15 phrase “abortion, miscarriage, or other reproductive healthcare acts” to accurately
16 encompass all criminalized acts under Texas laws that seek to criminalize
17 pregnancy outcomes; and

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

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

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

25 **WHEREAS**, the Council has repeatedly demonstrated its commitment to
26 abortion access in Resolution Nos. 20130321-045, 20140925-082, 20141120-038,
27 20151015-039, 20170126-045, 20181004-035, and 20210930-111; and

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

34 **WHEREAS**, the right to privacy should protect doctors, patients, and all
35 others providing abortion-related medical care from any criminal investigation
36 related to decisions made within the healthcare provider-patient relationship so
37 long as those decisions occur without coercion, force, or negligence; and

38 **WHEREAS**, equitable access to abortion care requires financial and
39 logistical support, most often provided by abortion funds, practical support
40 organizations, and volunteers who have been targeted by the State for providing
41 these services; and

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

45

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

47 The City of Austin formally condemns any action intended to abrogate the
48 fundamental liberties of its people and affirms its commitment to protecting the
49 right of its residents to make reproductive healthcare decisions, including abortion
50 care.

51 **BE IT FURTHER RESOLVED:**

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

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

65 **BE IT FURTHER RESOLVED:**

66 The policy stated above does not apply in cases where coercion or force is
67 used against the pregnant person, or in cases involving conduct criminally
68 negligent to the health of the pregnant person seeking care.

69 BE IT FURTHER RESOLVED:

70 It is the policy of the City that the investigation or support for the
71 prosecution of any allegation, charge, or information relating to the outcome of a
72 given pregnancy, including abortion and abortion-related care, or any party thereto,
73 will be the lowest priority for enforcement and the use of City resources and
74 personnel, except in cases (a) where coercion or force is used against the pregnant
75 person, (b) of criminally negligent conduct involving the health of the pregnant
76 person seeking care, or (c) where the abortion, miscarriage, or reproductive
77 healthcare is not the crime being investigated but evidence of another crime.

78 BE IT FURTHER RESOLVED:

79 The City Manager is directed to take appropriate steps to implement this
80 Resolution and to provide an oral presentation and written report to Council on the
81 implementation of this Resolution, including changes to policies and procedures, at
82 the work session on July 26, 2022; and the City Manager may return to the Council
83 for authorization of any needed policy clarifications or changes in the event of
84 future changes to federal law, state law, or technology that affect this Resolution.

86 ADOPTED: _____, 2022 ATTEST: _____
87
88 Myrna Rios
City Clerk