

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROR11

R-06-22

November 21 22

Resolution No. _____

Passed _____, 20_____

Introduced by Sarah Grace, Chair
Planning & Development Committee

A RESOLUTION ENCOURAGING THE MAYOR TO DE-PRIORITIZE THE ENFORCEMENT OF LAWS THAT CRIMINALIZE ACCESS TO SAFE REPRODUCTIVE HEALTHCARE PROCEDURES AND SERVICES.

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

WHEREAS, the City of Athens honors the right of all people to bodily autonomy and control over their private medical decisions; and

WHEREAS, access to safe and legal abortion may be a deciding factor in long-term health, safety, and quality of life; and

WHEREAS, on June 24, 2022, the United States Supreme Court overturned *Roe v. Wade* declaring that the constitutional right to abortion no longer exists in the United States. As a result, abortion rights have been rolled back in nearly half of the states immediately, with more restrictions likely to follow. For all practical purposes, abortion will not be available in large swaths of the country; and

WHEREAS, on July 11, 2019, Ohio Governor Mike DeWine signed into law S.B. 23 criminalizing abortion, with no exception for rape or incest after the detection of a fetal heartbeat, at the felony level with a sentence of up to one year in prison. This law took effect shortly after the Supreme Court decision overturning *Roe v. Wade*; and

WHEREAS, the Ohio Constitution likewise preserves the freedom to choose health care and to be free from state laws which shall impose a penalty or fine for the sale or purchase of health care; 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 thereby depriving them of their constitutional rights; and

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

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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 provided-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 of Athens has a responsibility to protect its residents from any violation of their human and constitutional rights and any criminalization of the free exercise thereof: and

WHEREAS, On October 10, 2022, Hamilton County Common Pleas Court Judge Christian Jenkins extended a temporary block on SB 23 throughout the consideration of the lawsuit challenging it; and

WHEREAS, the current legal status of access to safe and necessary reproductive healthcare in Ohio makes it important that the City of Athens adopt this resolution to encourage the Mayor to deprioritize the enforcement of laws that criminalize access to safe reproductive healthcare procedures and services for the preservation of the public peace, property, health and safety;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: We, the members of Athens City Council, affirm a commitment to protect the right of City residents to make reproductive health decisions, including abortion care, for themselves.

SECTION II: Athens City Council encourages the Mayor, except to the extent otherwise required by state or federal law, not to use City of Athens funds for any of the following:

- A. Store or catalog any report of an abortion, miscarriage, or other reproductive healthcare act;
- B. Provide information to any other governmental body or agency about any abortion, miscarriage, 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; and

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- C. 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.

SECTION III: Section II does not apply in cases where coercion or force is alleged to have been used against the pregnant person, or in cases involving an allegation of conduct criminally negligent to the health of the pregnant person seeking care, or where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated, but evidence of another crime.

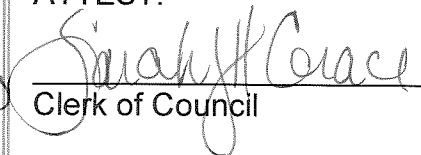
SECTION IV: Athens City Council encourages the Mayor not to use City of Athens funds for the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, or any party thereto, be the lowest priority for enforcement and the use of City resources and personnel, except in the following 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 by evidence of another crime.

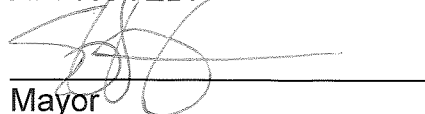
SECTION V: This Resolution shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.


President of Council

ATTEST:

Acting

Clerk of Council

APPROVED:


Mayor