

RESOLUTION

WHEREAS, the City of San Antonio is a City that supports fundamental human and civil rights and has recently passed resolutions calling for action to support women's rights and identifying racism as a public health crisis; and

WHEREAS, the City of San Antonio honors the rights of people seeking an abortion to bodily autonomy, access to health care services, and control over their private medical decisions; 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 abortion; and

WHEREAS, access to safe and legal abortion affects health, safety, economic stability and quality of life; 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, which takes effect statewide 30 days after the Supreme Court decision overturning *Roe v. Wade* (referred to commonly as a "trigger" law); and

WHEREAS, the Texas Attorney General acknowledged that the Texas trigger law does not go into effect until 30 days after a Supreme Court judgement but has suggested that criminal prosecutions can start now under a Texas abortion law passed in 1925; and

WHEREAS, the three State laws that ostensibly apply to abortion have yet to be reconciled or clarified so that an individual can fully understand what behavior would violate the respective laws; and

WHEREAS, the Council recognizes the Bexar County Criminal District Attorney's plan to exercise his discretion in deciding whether to prosecute under the existing State law that criminalizes abortion; 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 services and treatment, up to and including abortion; and

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

WHEREAS, the nearest care someone in Bexar County could travel for an abortion would be effectively inaccessible to someone who is low-income and/or has no reliable means of transportation; and

WHEREAS, the resources of the City must always be dedicated to the health and wellbeing of all 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 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 undue burdens on 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; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City of San Antonio 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.

SECTION 2. The City of San Antonio intends to prioritize the protection of reproductive rights in the City's legislative agenda for the upcoming State of Texas legislative session.

SECTION 3. It is the policy recommendation of the City Council that, except to the extent otherwise clearly 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 strictly for the purpose of pursuing a criminal investigation; provide information to any other governmental body or agency about any abortion, miscarriage, or other reproductive healthcare act strictly for the purpose of pursuing a criminal investigation; or conduct surveillance or collect information related to an individual or organization strictly for the purpose of determining whether an abortion has occurred to then pursue a criminal investigation, 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 4. The City Council 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.

SECTION 5. The City Council recognizes the Bexar County Criminal District Attorney's plan to exercise his discretion in deciding whether to prosecute under the existing State law that criminalizes abortion.

SECTION 6. The City Manager will update the City Council in the event of future changes to federal law, state law, or technology that affect this Resolution.

SECTION 7. This Resolution is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this the _____ day of August, 2022.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andy Segovia, City Attorney