

RESOLUTION NO. 20210930-111

WHEREAS, the Austin City Council has consistently supported the rights of people capable of becoming pregnant to make choices over their own bodies, reproductive health, and family planning; and

WHEREAS, the right to an abortion is a right granted by the United States Constitution and has been settled law since the landmark Supreme Court case of *Roe v. Wade* in 1973; and

WHEREAS, Texas state law effectively prohibits health plans from covering abortion care, and the Hyde Amendment currently prevents any federal funding from being used for abortion services; and

WHEREAS, limiting access to abortion care disproportionately affects Texans of color and low-income populations; and

WHEREAS, gestational age is calculated not from the moment of conception or implantation, but from the first day of a pregnant person's last menstrual period, which is on average two weeks before conception; and

WHEREAS, many people don't know they are pregnant at six weeks; and

WHEREAS, an average of 50,000 - 60,000 pregnancies are terminated for various reasons every year in Texas; and

WHEREAS, a 2015 University of Texas study from the school's Institute on Domestic Violence and Sexual Assault (IDVSA) said more than a third of Texans have experienced some form of sexual assault in their lifetime but more than 90 percent of sexual assault incidents are not reported to law enforcement; and

WHEREAS, State Senator Wendy Davis successfully filibustered anti-abortion legislation in 2013, which was then passed in a subsequent special session but was eventually overturned by the Supreme Court; and

WHEREAS, Resolution No. 20130321-045 [Morrison, Martinez, Cole] declared that the Austin City Council supports and endorses the State of Texas restoring full state funding of Women's Preventive Health and Family Planning Services to their levels prior to the 2011 budget cuts, and that City Council supports and endorses that the Department of State Health Services include only unbiased, non-leading, scientifically founded information in the Women's Right to Know pamphlets.

WHEREAS, Resolution No. 20140925-082 [Martinez, Morrison, Spelman] declared support for legislation that would repeal any and all provisions that were passed in House Bill 2 relating to the regulation of abortion procedures, providers and facilities and directed the City Manager to conduct a study analyzing the impacts of HB 2 on Austinites; and

WHEREAS, Resolution No. 20141120-038, the City's Agenda for the 84th Legislative Session, declared support for restoring full state funding of Women's Preventative Health and Family Planning Services to pre-2011 budget cut levels, including only unbiased, non-leading, scientifically founded information in the Women's Right to Know pamphlets provided by the Texas Department of State Health Services, and supported legislation that would repeal any and all provisions that were passed in HB 2 (83rd Special Session) relating to the regulation of abortion procedures, providers and facilities.

WHEREAS, Resolution No. 20151015-039, the City's Agenda for the 84th Legislative Session, declared support for any legislation that would maintain or

expand funding for Planned Parenthood and declared opposition to any legislation that would reduce funding for Planned Parenthood or endanger access to affordable health care. It also declared support for any legislation that expands funding or access to a full spectrum of health services; and

WHEREAS, Resolution No. 20170126-045 named “Abortion is Healthcare” [Pool, Casar, Garza, Adler, Kitchen] recognizes the 44th Anniversary of *Roe v. Wade* and a woman’s right to make the decision to access safe and affordable reproductive health care services, affirms that safe and legal abortions should be affordable and accessible for all who seek it, and supports the work of health care providers in Austin and Travis County facing threats and violence for providing safe and legal access to reproductive health care services, including abortion care; and

WHEREAS, Resolution No. 20181004-035 [Tovo, Garza, Pool, Kitchen, Houston] declared “Rosie’s Resolution” to support the repeal of public and private insurance bans on abortion care coverage; and

WHEREAS, a 2019 Budget Rider [Casar, Ellis, Garza, Pool] allotted funding for a nonprofit organization that provides logistical support for abortion care including transportation, lodging, and childcare for Austin residents seeking abortion, but does not provide abortion procedures itself; and

WHEREAS, a Texas law known as SB 8 recently took effect that indisputably places an undue burden on a person’s right to seek or terminate a pregnancy. The law also strips individuals of their ability to challenge state action that indisputably violates their constitutional rights by creating draconian vigilante-style bounties that allow private citizens to bring litigation against health care

providers who perform abortions without demonstrating that the plaintiff is harmed; and

WHEREAS, the United States Supreme Court declined to intervene and by doing so allowed this law to be enacted; and

WHEREAS, President Joe Biden said Texans should be protected from the impact of the new restrictions, and promised to look at “what steps the federal government can take to ensure that women in Texas have access to safe and legal abortions as protected by *Roe*”; and

WHEREAS, in defense of the rights of Texans, the United States Department of Justice through Attorney General Merrick Garland, filed suit against the State of Texas in an effort to “vindicate the rights of individuals” when Texas infringes on rights protected by the Constitution and seeks to enjoin the “clearly unconstitutional law.”; **NOW, THEREFORE**,

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

The Austin City Council joins millions of voices across Texas and the United States in supporting the right of people to make reproductive health decisions for their own bodies, themselves, and their families; and

BE IT FURTHER RESOLVED:

The Austin City Council stands with our local delegation who voted against this legislation and denounces the actions of the state leadership of Texas for enacting a law that stands in direct defiance of the constitutionally protected right to privacy and so clearly goes against the sentiments of the general public; and

BE IT FURTHER RESOLVED:

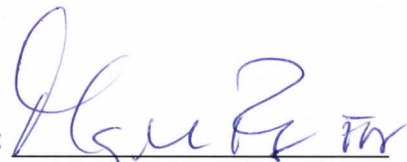
The City Manager is directed to allocate necessary personnel resources within the Law Department to investigate and pursue appropriate legal action in support of current efforts to challenge the recently enacted SB 8 law, with the goal of continued protection of the reproductive choice options for Austin residents who are capable of becoming pregnant. This legal support may include amicus support in recent state court legal actions brought by advocacy groups and reproductive health providers that challenge SB 8, and amicus support in the federal lawsuit filed by the Department of Justice.

BE IT FURTHER RESOLVED:

The City of Austin encourages private businesses in the State of Texas to join us in opposition to the implementation of SB 8.

ADOPTED: September 30, 2021

ATTEST:



Jannette S. Goodall
City Clerk