




MEMORANDUM

TO: Mayor and Council Members

FROM: Anne Morgan, Acting City Manager 

DATE: July 26, 2022

SUBJECT: Implementation of Resolution Regarding Reproductive Healthcare Decisions

On July 21, 2022, Council approved Resolution Number [20220721-002](#). The Resolution directs, in part, for the City Manager 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.”

No changes are required to administrative policies or procedures to comply with the Resolution. The attached memo provides a summary of relevant departmental responses to the Resolution. Consistent with the City Council’s resolution, we will not invest resources into enforcing abortion bans beyond what is necessary to comply with state law. Council's position is clear and so is the City's commitment to take any lawful steps in our power to protect Austinites from any violation of their right to privacy and their right to medical care.

cc: City Manager’s Executive Team
Chief Joseph Chacon, Austin Police Chief
Chief Robert Luckritz, Austin-Travis County EMS Chief

Attachment: Memo – Compliance with Resolution Regarding Reproductive Healthcare Decisions


ATTACHMENT

Memo - Compliance with Resolution Regarding
Reproductive Healthcare Decisions



MEMORANDUM

TO: Anne Morgan, Acting City Manager

FROM: Rey Arellano, Assistant City Manager 

DATE: July 25, 2022

SUBJECT: Compliance with Resolution 20220721-002 Regarding Reproductive Healthcare Decisions

With the passage of subject [Resolution](#), listed below is a description of how the Austin Police Department (APD) and the Austin-Travis County EMS Department (ATCEMS) will respond to elements of the Resolution.

Resolution Statement: *"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;"*

APD Response:

1. APD is not required to (and does not) affirmatively solicit, collect, store, or catalog information from or about either individuals or organizations concerning reproductive healthcare acts.
2. It is possible that APD may receive a complaint from a person alleging violation of a state criminal law concerning a reproductive healthcare act. If that occurs, APD will document the complaint just as it would for any other complaint of criminal conduct if and as required under its standard operating procedures.
3. APD could also possibly receive information about a reproductive healthcare act while investigating a potential violation of another state law. If relevant to the investigation of the other potential violation, APD will retain the information in its file for that matter if and as required under its operating procedures.

ATCEMS Response:

1. ATCEMS is not required to (and does not) affirmatively solicit, collect, store, or catalog information from or about either individuals or organizations concerning reproductive healthcare acts.

2. ATCEMS medics may possibly receive information about a reproductive healthcare act when providing emergency medical services to a member of the public. If relevant to a medical treatment issue its medics are addressing, ATCEMS would retain information about the reproductive healthcare act in the medical records for that case as a matter of standard ATCEMS treatment and recordkeeping protocols. Any such information kept in the records of ATCEMS would be subject to the applicable privacy protections in the federal Health Insurance Portability and Accountability Act (also known as HIPAA).
- *“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;*

APD Response:

APD is not required in the ordinary course of its operations to report information about reproductive healthcare acts to any state agency.

ATCEMS Response:

1. TX Health & Safety Code §171.006(c) requires ATCEMS to report information to the Texas Dept. of Health & Human Services about medical treatment it provides in an emergency setting if the medical treatment arises from an “abortion complication” as that term is defined in H&S Code §171.006(a). This may include information about a reproductive healthcare act depending on the facts involved.
 2. Except as stated in #1, ATCEMS is not required in the ordinary course of its operations to report information about a reproductive healthcare act that it receives as a result of providing emergency medical services to any state agency.
- *“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.”*

APD Response:

APD does not conduct surveillance or other affirmative information collection activities to determine whether individuals or organizations have engaged in reproductive healthcare acts in the past or may presently be engaged in such activities. APD has no plans to conduct such activities in the future.

ATCEMS Response:

ATCEMS does not conduct surveillance or other affirmative information collection activities to determine whether individuals or organizations have engaged in reproductive healthcare acts in the past or may presently be engaged in such activities. ATCEMS has no plans to conduct such activities in the future.

cc: Deborah Thomas, Acting City Attorney
Chief Joseph Chacon, Austin Police Chief
Chief Robert Luckritz, Austin-Travis County EMS Chief