

COUNCIL CHAMBER

August 10, 2022

WHEREAS, the City of Dallas honors the right of pregnant persons to bodily autonomy and control over their private medical decisions; and

WHEREAS, access to safe and legal abortion is a major factor in the long-term health, safety, and quality of life of pregnant people; and

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

WHEREAS, on June 16, 2021, Texas Governor Greg Abbott signed into law HB 1280, which criminalizes abortion at the level of a first-degree felony, carrying a sentence of up to 99 years in prison, with no exceptions for rape and incest, which Act will take effect statewide 30 days after *Roe v. Wade* is overturned; and

WHEREAS, on July 8, 2022, President Joe Biden signed an executive order on protecting access to reproductive healthcare services;

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

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, while doing little to reduce the incidence of abortion; and

WHEREAS, the resources of the city must always be dedicated to the health, safety, 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 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 involved in care from any criminal investigation, as long as those decisions occur without coercion, force, or negligence; and

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WHEREAS, equitable access to abortion care requires financial and logistical support, most often provided by abortion funds and practical support organizations who have been targeted for providing these services; and

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

Now, Therefore,

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

SECTION 1. That the City Council of the City of Dallas formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting people's right to make reproductive health decisions for themselves and their families, including abortion care.

SECTION 2. That it is the policy of the City of Dallas that, except to the extent otherwise required by state or federal law or as stated in Section 3, city resources, including, for example, funds, personnel, or hardware will not be used to:

(a) Create any record of any information related to an individual seeking abortion, having a miscarriage, or any other event that could be prosecuted as a violation of state law criminalizing or creating civil liability for pregnancy outcomes;

(b) Provide information to anyone about pregnancy outcomes, unless such information is provided to defend the patient's right to reproductive care, including abortion care, or the healthcare provider's right to provide such care; and

(c) Conduct surveillance or use any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personally identifying information or personal health information for purposes unrelated to criminal investigation, enforcement, or prosecution.

SECTION 3. That the policy stated in Section 2 does not apply in cases of conduct that is either intentionally or criminally negligent to the health of the pregnant person seeking care or where coercion or force is used against the pregnant person.

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SECTION 4. That it is the further policy of the City that investigation of or support for the prosecution of any allegation, charge, or information relating to a pregnancy outcome or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases of conduct that is intentionally or criminally negligent to the health of the pregnant person seeking care, where coercion or force is used against the pregnant person, or where the pregnancy outcome is not the crime being investigated but evidence of another crime, such as sexual assault.

SECTION 5. The City Manager is directed to take appropriate steps to implement this resolution and to provide an oral presentation and written report to City Council on the implementation of this resolution, including changes to policies and procedures, by ____, 2022, and to provide a written report to City Council on the implementation of this resolution by ____, 2022. The City Manager may return to the City Council for authorization of any needed policy clarifications or changes in the event of future changes to federal law, state law, or technology that affect this resolution.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.