

RESOLUTION No. 37443

Declare the right to safe and legal abortion and affirm the City's commitment to act in support of that right by authorizing the City Attorney to participate as an amicus in forthcoming federal lawsuits challenging abortion bans around the country (Resolution)

WHEREAS, state governments across the nation are passing laws that expressly or effectively ban abortion in those states; and

WHEREAS, Oregon is the only state with no additional statutory restrictions on abortion; and

WHEREAS, the City of Portland has a history of supporting the right to abortion predating *Roe v. Wade*, and has continued to lobby at the federal level for increased access to abortion services; and

WHEREAS, the City of Portland provided to City employees municipal insurance coverage for abortion services prior to the passage of the Oregon Reproductive Health Equity Act, which required that insurance cover abortion services; and

WHEREAS, the City of Portland has been a champion of progressive measures dedicated to increasing access to the full range of reproductive health services such as mandated employer-provided paid sick leave prior to it being codified by the state, and protections against discrimination based on pregnancy and gender identity; and

WHEREAS, Oregon House Bill 3391, The Reproductive Health Equity Act of 2017, codified the right to safe and legal abortion in the State of Oregon; and

WHEREAS, every person who can become pregnant needs access to the full range of safe, affordable, and comprehensive reproductive healthcare services throughout their life, including but not limited to screenings for cancer and sexually transmitted infections, contraceptive services, abortion care, prenatal care, labor and delivery services, and postpartum care; and

WHEREAS, various states have proposed legislation that would prevent a person who can become pregnant from obtaining an abortion as early as six weeks after the first day of their last menstrual period, when a person is often not yet aware of their pregnancy; and

WHEREAS, some of this legislation also threatens healthcare providers with prison time of up to 99 years and fines for performing abortions in their capacity as medical professionals; and

WHEREAS, such legislation will have profoundly negative impacts on the health of people who can become pregnant by violating long-held, constitutionally protected rights and effectively eliminating access to all safe and legal abortion services; and

WHEREAS, since 1976, federal legislation known as the Hyde Amendment has prohibited the use of federal funds – specifically, Medicaid funds -- for abortion services, and due to systems of structural racism and socioeconomic inequality, low income and people of color are disproportionately likely to be insured by Medicaid, which therefore means that they are disproportionately likely to be subject to the restrictions of the Hyde Amendment, limiting their access to safe abortion; and

WHEREAS, the lack of consistent and affordable access to high-quality contraceptive services in low income communities and communities of color reinforces the disproportionate impact of restrictions on safe and legal abortion; and

WHEREAS, such laws will simultaneously eliminate safe and legal options for abortion and potentially drive people who become pregnant to illegal abortion providers, who are unregulated and subject to no safety standards, further risking the health of people who are pregnant; and

WHEREAS, Oregon voters rejected Measure 106 in 2018, which would have denied insurance coverage for abortion to the most vulnerable Oregonians, including those who serve the City of Portland, and other public employees, as well as those who rely on the Oregon Health Plan; and

WHEREAS, opposition to abortion has long been entrenched with sexism and misogyny; and the right to an abortion and control of one's own body remains one of the few ways people who can become pregnant are able to effectively exercise control over their lives and reproductive health; and

WHEREAS, the passage and implementation of policies that have no basis in medicine, are reflective of a hyper-focus on birth and a compulsion to control people who are able to become pregnant, but which do little to alleviate the physical, emotional, and financial burden of child-rearing; and

WHEREAS, policy makers should instead focus on the maintenance and expansion of supportive services whose aim is the reduction of unintended pregnancies, preventing sexual violence, and promoting individual bodily autonomy and the success of all families by investing in comprehensive sexual health education, access to the full range of reproductive healthcare, paid family and medical leave, and high quality, affordable childcare;

NOW, THEREFORE, BE IT RESOLVED, the City of Portland unequivocally condemns any attempt to restrict, prohibit, or otherwise impede access to safe and legal abortion care. Access to safe and legal abortion services is vital to the health of people who can become pregnant and our broader community; and

BE IT FURTHER RESOLVED, the City of Portland remains committed to eliminating stigma surrounding abortion so that every person in our city who makes the choice to access safe and legal abortion care will feel supported, welcome, and safe doing so. Likewise, the City of Portland will continue to stand with healthcare providers and organizations that provide essential high-quality, and affordable reproductive healthcare, and sexual health education to thousands of Portland residents, with or without insurance coverage and regardless of citizenship status; and

BE IT FURTHER RESOLVED, the City Council directs the City Attorney to monitor suits that may arise from Ohio Senate Bill 23 and Alabama State's expansive legislation restricting abortion rights, as well as other restrictive abortion legislation, and if suit is filed directs that the City Attorney evaluate opportunities to participate as an amicus and authorizes the City Attorney to seek to participate as an amicus in litigation challenging the legality of these laws at the time and in the cases the City Attorney believes to be most effective and strategically valuable. Additionally, the City Attorney is encouraged to reach out to and work with attorneys representing other state and local governments across the country to build a coalition of amici willing to participate in legal challenges to these and other laws limiting access to abortion services; and

BE IT FURTHER RESOLVED, the City Council requests that the Office of Government Relations deliver copies of this resolution, upon adoption, to the Governor of Oregon, the Speaker of the Oregon State House of Representatives, and the President of the Oregon State Senate, and to any other interested parties.

Adopted by the Council: JUL 10 2019

Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Prepared by: Derek Bradley
Date Prepared: June 28, 2019

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

Agenda No.
RESOLUTION NO. 37443

Title

Declaring the right to safe and legal abortion and affirming the City of Portland's commitment to act in support of that right by authorizing the City Attorney to participate as an amicus in forthcoming federal lawsuits challenging abortion bans around the country. (Resolution)

<p>INTRODUCED BY Mayor Wheeler, Commissioners Hardesty, Eudaly, Fish, and Fritz</p>	<p>CLERK USE: DATE FILED <u>JUL 01 2019</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration – Wheeler <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz <i>[Signature]</i></p> <p>Position 2/Works - Fish <i>[Signature]</i></p> <p>Position 3/Affairs - Hardesty <i>[Signature]</i></p> <p>Position 4/Safety - Eudaly <i>[Signature]</i></p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: <i>Commissioner Hardesty</i></p> <p>Bureau Head:</p>	<p>ACTION TAKEN:</p>
<p>Prepared by: Derek Bradley Date Prepared: 6/28/19</p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan <i>[Signature]</i></p>	
<p>Council Meeting Date 7/10/19</p>	

AGENDA

TIME CERTAIN
Start time: 3:30pm

Total amount of time needed: 1 hour
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	→	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	