

RESOLUTION

NO. R-22-310

CITY HALL: July 7, 2022

**BY: COUNCILMEMBERS MORENO, HARRIS, MORRELL, GIARRUSSO,
GREEN, THOMAS AND KING**

A **RESOLUTION** to reiterate that equal access to abortion care is essential for social and economic equality and reproductive autonomy, and to condemn any action intended to abrogate the fundamental liberties of the people of the City of New Orleans while affirming the City Council's commitment to protecting the rights of its residents to make reproductive health decisions, including abortion care. The resolution also requests that City funds controlled by the City of New Orleans, New Orleans Police Department, the Orleans Parish Sheriff's Office, and the Orleans Parish District Attorney not be used to solicit, catalog, report, or investigate reports of abortion.

WHEREAS, the City of New Orleans recognizes that reproductive rights are human rights and embraces the tenets of equality, dignity, autonomy, access to critical health care information, bodily integrity, and respect for private life with the highest attainable standard of health, including sexual and reproductive health, without discrimination, as well as the right to freedom from cruel, inhuman and degrading treatment; and

WHEREAS, ensuring access to safe and legal abortion is a determining factor in long-term sexual and reproductive health, safety, and quality of life; and

WHEREAS, because the Supreme Court of the United States has overturned the 1973 landmark ruling, *Roe v. Wade*, which made access to safe and legal abortion a constitutional right, that independence and autonomy is at risk like never before; and

WHEREAS, on June 21, 2022, Louisiana Governor John Bel Edwards signed into law SB 342 as Act 545, that among other things, builds upon a 2006 trigger law, providing no exceptions for rape or incest while increasing penalties on abortion providers to include a one- to ten-year prison term and fines spanning \$10,000 to \$100,000, as well as hard labor; and

WHEREAS, this legislation represents a direct attack on the ability for an individual to make their own choices concerning their lives, their bodies, and their family planning, and represents a stark regression of reproductive rights in Louisiana; and

WHEREAS, penalties against physicians and other medical providers ultimately creates a legal environment in which providers will not be comfortable practicing in the State of Louisiana, resulting in a decrease in reliability, access, and quality of care available to residents, not only for women's health care, but to include general treatment and care impacting patients of all backgrounds; and

WHEREAS, we know that cruel and restrictive policies to restrict reproductive rights and curtail health care access disproportionately impact communities of color, those living in poverty and rural communities, and those who cannot afford to travel to clinics in neighboring states, and such policies only amplify the risk of residents undergoing unsafe and life-threatening procedures; and

WHEREAS, the resources of the City of New Orleans must always be dedicated to the health and well-being of its residents; and

WHEREAS, the City Council has demonstrated its commitment to abortion access in Resolution No. R-19-240, as well as individual letters from City Council leadership to Governor John Bel Edwards and members of the Louisiana legislature; 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, this right to privacy should protect patients, as well as doctors and all others providing abortion-related medical care, from any criminal investigation related to decisions made within the health care 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 who have been targeted by the State for providing these services; and

WHEREAS, the City of New Orleans has a responsibility to protect its residents from any violation of their human rights and any criminalization of the free exercise thereof; **NOW THEREFORE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Council is calling on the City of New Orleans, the New Orleans Police Department, Orleans Parish Sheriff’s Office, and the Orleans Parish District Attorney not to dedicate City funds, except to the extent otherwise required by state or federal law, for the following purposes:

- Store or catalog any report of an abortion, miscarriage, or other reproductive health care act;
- Provide information to any other governmental body or agency about any abortion, miscarriage, or reproductive health care act, unless such information is provided to defend the patient’s right to abortion care or health care provider’s right to provide that care; and

- 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.

The 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 of the health of the pregnant person seeking care.

BE IT FURTHER RESOLVED, That the Council requests that the City of New Orleans, the New Orleans Police Department, Orleans Parish Sheriff's Office, and the Orleans Parish District Attorney adopt policies that the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion-related care, or any party thereto, will be the lowest priority for enforcement and the use of City resources and personnel, except in cases (a) where coercion or force is used against the pregnant individual, (b) of criminally negligent conduct involving the health of the pregnant individual seeking care, or (c) where the abortion, miscarriage, or reproductive health care is not the crime being investigated but evidence of another crime.

BE IT FURTHER RESOLVED, That the Clerk of Council shall transmit certified copies of this resolution to Mayor LaToya Cantrell, Chief Administrative Officer Gilbert Montaña, Superintendent Shaun D. Ferguson, Sheriff Susan Hutson, and District Attorney Jason Rogers Williams.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.