

INTRODUCED: July 5, 2022

Expedited Consideration

A RESOLUTION No. 2022-R045

To express the City's opposition to the U. S. Supreme Court's *Dobbs v. Jackson Women's Health Org.* decision, and to ask the General Assembly of Virginia to protect and expand abortion access.

Patron – Mayor Stoney, Mrs. Jordan, President Newbille, Mr. Jones,
Mrs. Lynch, and Vice President Robertson, Ms. Lambert and Mr. Addison

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 5 2022 AT 5 P.M.

WHEREAS, in the case of *Dobbs v. Jackson Women's Health Org.*, 2022 U.S. LEXIS 3057 (2022), the Supreme Court of the United States of America reversed 50 years of precedent upholding a constitutional right to abortion; and

WHEREAS, abortion care is an essential reproductive health service and its availability is an important part of every American's right to safe and accessible health care; and

WHEREAS, there is no decision more important than whether and when to have children, especially since patients who give birth to a child after being denied an abortion are 100 times more likely to die during childbirth than patients who actively wanted to carry a child to term; and

AYES: 8 NOES: 0 ABSTAIN:

ADOPTED: JUL 5 2022 REJECTED: STRICKEN:

WHEREAS, abortion is a safe and common health service, and nearly one in four people who become pregnant in the United States of America will have an abortion by age 45; and

WHEREAS, history has shown that it is not possible to ban abortion; instead, it is only possible to ban safe abortions; and

WHEREAS, evidence shows that limiting legal access to safe abortion drives increased domestic violence; and

WHEREAS, laws criminalizing abortion can have profoundly negative impacts on those who have miscarriages; and

WHEREAS, the negative impacts of limited legal access to safe abortion disproportionately affect our most vulnerable, especially Black and Brown communities, those living in poverty, and survivors of child abuse, sexual assault, and domestic violence; and

WHEREAS, the maternal mortality rate in the United States of America is the highest among developed nations, with a staggering 23.8 deaths per 100,000 childbirths, with a disproportionate impact on Black patients; and

WHEREAS, restricting access to abortion will significantly increase the maternal mortality rate in that patients who give birth after being denied an abortion are 100 times more likely to die during childbirth than patients who actively wanted to carry a child to term; and

WHEREAS, *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), were foundational decisions protecting a constitutional right to privacy; and

WHEREAS, the *Dobbs* decision overrules these precedents and effectively jeopardizes many other essential rights and freedoms; and

WHEREAS, regardless of the Supreme Court majority's opinion that abortion is not protected by the United States Constitution, the Council of the City of Richmond is of the opinion that abortion care is health care and a fundamental human right; and

WHEREAS, the majority of Americans support legal abortion care, and 88 percent of Virginians believe that abortion should remain legal under some or all circumstances; and

WHEREAS, despite the *Dobbs* decision, abortion care remains protected by the laws of the Commonwealth of Virginia; and

WHEREAS, legal abortion in Virginia has been and will continue to be under attack in the General Assembly of Virginia; and

WHEREAS, the City of Richmond has a vested interest in protecting and promoting the health and rights of its residents, including the right to privacy and the right to access legal, safe abortion care; and

WHEREAS, there are 15 clinics providing abortion care in Virginia, three of which are located within the city of Richmond; and

WHEREAS, the three clinics in the city anticipate a significant increase in demand for abortion from residents of surrounding states where abortion is now or will soon be illegal due to the *Dobbs* decision; and

WHEREAS, the Council believes that it is important that the Council express the City's opposition to the *Dobbs* decision and that the City ask the General Assembly of Virginia to protect and expand abortion access;

NOW, THEREFORE,

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

That:

1. The City vehemently opposes restrictions on abortion access, and we stand in solidarity with those in states where abortion is now or will soon be illegal;

2. The City commits to advocate for state and federal laws that protect the right of any and all who seek safe, legal abortion care within the city of Richmond; and

3. The City will take such actions as may be permitted by law to protect the rights of people seeking safe, legal abortion care in the city of Richmond.

BE IT FURTHER RESOLVED:

That the City of Richmond respectfully asks that the General Assembly of Virginia protect and expand abortion access by:

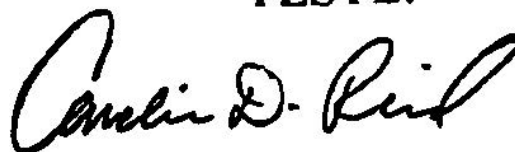
1. Protecting recent gains in access, thanks to Chapter 899 of the 2020 Acts of Assembly of Virginia, known as the “Reproductive Health Protection Act of 2020,” and ensuring no new restrictions or bans;

2. Introducing and passing a constitutional amendment to define abortion as a right protected by the Constitution of Virginia, thereby protecting access to safe, legal abortion for years to come;

3. Passing House Bill No. 1922 as introduced in the 2021 session of the General Assembly of Virginia, known as the “Reproductive Health Equity Act,” and expanding access to abortion funding; and

4. Repealing state restrictions and removing abortion from the criminal laws of the Commonwealth of Virginia.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carlin D. Reil". The signature is fluid and cursive, written over a white background.

City Clerk



CITY OF RICHMOND

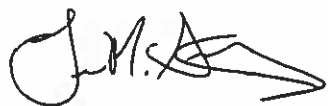
INTRACITY CORRESPONDENCE

O&R

REQUEST

DATE: June 29, 2022 **EDITION:** 1

TO: The Honorable Members of City Council

FROM: The Honorable Levar M. Stoney, Mayor 

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

RE: Support for Abortion Providers in the City of Richmond

ORD. OR RES. No. _____

PURPOSE: To declare the City of Richmond's support for abortion providers within city limits given the recent Supreme Court of the United States' decision to overturn *Roe v. Wade*.

REASON: The Supreme Court of the United States just overturned almost fifty years of precedent with their decision in *Dobbs v. Jackson Women's Health Organization*. This decision overturned *Roe v. Wade*, which established the constitutional right to an abortion. This resolution formalizes the City of Richmond's support for the constitutional right to an abortion.

RECOMMENDATION: Approval is recommended by the City Administration.

BACKGROUND: With the overturning of *Roe v. Wade*, 26 states will likely ban or severely restrict abortion almost immediately. Due to social and economic inequities, these bans will most harshly impact Black and Brown communities and the working class. Nearly half of all patients seeking an abortion live below the federal poverty level and state they are unable to care for a child.

The maternal mortality rate in the United States is the highest in the "developed world," sitting at a staggering 23.8 deaths per 100,000 childbirths. The national maternal mortality rate most heavily impacts Black patients. Restricting access to abortion has been shown to increase that rate significantly; patients who give birth to a child after being denied an abortion are 100 times more likely to die during childbirth than patients who actively wanted to carry a child to term.

Currently, abortion remains legal in Virginia. According to Virginia Code § 18.2 Article 9, abortion is legal during the first and second trimesters. During the first trimester (through the first 13 weeks of pregnancy), nurse practitioners (including certified nurse midwives) and physicians may perform abortions. After the first trimester, only physicians may perform abortions. Abortion in Virginia is restricted during the third trimester (starting at 27 weeks of pregnancy) to cases

where three doctors confirm that there is a health risk to the pregnant person. People under the age of 18 require parental notification and consent to receive an abortion unless they obtain a judicial bypass. During the 2020 legislative session, Virginia repealed medically unnecessary obstacles to abortion like a 24-hour waiting period, biased counseling, and mandatory ultrasounds.

Across Virginia, there are 15 clinics providing abortion care, three of which are in the City of Richmond. Additionally, there are 6 telehealth providers, including Planned Parenthood, providing first-trimester abortions in Virginia via virtual appointments and mail-delivery pills.

People in states where abortion is banned or heavily restricted will have to travel, sometimes hundreds of miles, to receive care in a state where abortion remains legal. Although Virginia will only be the geographically closest “destination state” for a small percentage of those patients, restrictions and barriers to abortion care in other destination states, may result in patients opting to travel further to Virginia to receive care.

FISCAL IMPACT / COST: N/A

FISCAL IMPLICATIONS: N/A

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: N/A

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 5, 2022 (Special Meeting)

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Education and Human Services (July 14, 2022)

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

AFFECTED AGENCIES: City of Richmond

RELATIONSHIP TO EXISTING ORD. OR RES.: N/A

REQUIRED CHANGES TO WORK PROGRAM(S): N/A

STAFF: Maggie Anderson, Chief of Staff, Office of Mayor Levar Stoney
Eva Colen, Office of Children and Families Manager