

**RESOLUTION TO Protect Reproductive Freedom and Abortion Access in Athens-Clarke County
CDO presented by Denson, Houle, Myers, & Parker**

WHEREAS, in *Roe v. Wade*, a 1973 landmark decision of the U.S. Supreme Court, the Court ruled that the Constitution of the United States generally protects a pregnant individual's liberty to choose to have an abortion; and

WHEREAS, in 2019 the Georgia General Assembly passed anti-abortion legislation (HB 481), which was signed into law by Governor Kemp, that outlaws most abortions when a doctor can detect fetal cardiac activity, which is typically around six weeks of pregnancy; and

WHEREAS, in 2020 the United States District Court for the Northern District of Georgia ruled HB 481 to be unconstitutional due to the *Roe v. Wade* decision; and

WHEREAS, on June 24th, 2022, the United States Supreme Court ruled on *Dobbs v. Jackson Women's Health Center*, effectively overturning *Roe v. Wade*; and

WHEREAS, HB 481 was appealed to the 11th Circuit Court of Appeals which put a stay on review of HB 481 until after the Supreme Court decided *Dobbs v. Jackson Women's Health*; and

WHEREAS, the 11th Circuit Court of Appeals issued a decision on July 20, 2022, in favor of HB 481, which has the effect of banning most abortions in Georgia after around six weeks into pregnancy; and

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities and communities of color; and

WHEREAS, low-income women are over five times more likely than affluent women to experience an unintended pregnancy, which has significant implications for social mobility, given that unplanned childbearing is associated with higher rates of poverty, less family stability, and worse outcomes for children according to the Brookings Center on Children & Families; and

WHEREAS, the state of Georgia currently leads the nation in maternal and infant mortality, and a recent study by the University of North Carolina School of Medicine found that pregnant people are 14x more likely to die of pregnancy complications than complications resulting from an abortion,

WHEREAS, the state of Georgia has refused to expand access to Medicare, fully fund childcare and public schools, raise the minimum wage, or otherwise support infants, children, and families by giving them the educational, medical, or financial support needed to escape cycles of generational poverty; and

WHEREAS, we affirm our support of reproductive justice, which means the freedom to create the families of our choice under the conditions of our choice, including not only access to abortion care but access to quality housing, healthcare, childcare, and jobs with thriving wages needed to support healthy families; and

WHEREAS the strategic plan for the Unified Government of Athens-Clarke County adopted on March 1, 2022, commits the Unified Government of Athens-Clarke County (“ACCGov”) to supporting and promoting healthy lifestyles, including physical and psychological care; developing programs, policies, and processes to address unaddressed community needs and facilitate community transformation; and securing affordable housing for all;

WHEREAS, Western Judicial Circuit District Attorney Deborah Gonzalez has stated, “I will not be prosecuting women seeking reproductive health care, I will not prosecute doctors providing women with care. I will not be complacent in a system attempting to strip away the rights of American citizens”; and

WHEREAS, ACCGov recognizes every individual’s right to privacy, including the protection of doctors and all others involved with medical treatment and decisions made within the healthcare provider-patient relationship, so long as those decisions occur without coercion, force, or negligence; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia, oppose the use of any public funds to record and or investigate reports of abortion care; and

WHEREAS, the right to privacy guaranteed by both the United States and Georgia Constitutions should protect doctors, patients, and all others involved with medical treatment from any criminal investigation related to decisions made within the healthcare realm; and

WHEREAS, ACCGov has a duty to protect its residents and employees from any violation of their human rights and any criminalization of the free exercise thereof, and this Resolution is in the best interest of the welfare of Athens-Clarke County, its businesses, visitors, and residents.

NOW THEREFORE BE IT RESOLVED BY THE ATHENS-CLARKE COUNTY MAYOR AND COMMISSION AS FOLLOWS:

Section 1. The Mayor and Commission condemn any actions intended to abrogate the fundamental liberties to bodily sovereignty and affirms its commitment to protecting the rights of all to make health decisions for themselves, including abortion care.

Section 2. It is the policy of Athens-Clarke County that, except to the extent otherwise required by state or federal law, ACCGov funds will not be used to:

- Store or catalog any report of abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive care;
- Provide information to any other governmental body or agency about any abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive healthcare, unless such information is provided to defend the patient’s right to abortion care or the healthcare provider’s right to provide that care;
- Conduct surveillance or collect data or other information related to any individual, organization, location vehicle, action, financial record or internet activity 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. It is the desire of the Mayor and Commission that the Manager shall use appropriate discretion in determining what resources, outside of funding, if any, should be allocated to the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, with the understanding that the Mayor and Commission would request that such cases be assigned the lowest priority for both enforcement and the use or assignment of resources and personnel, except in (a) cases where coercion or force is used against a pregnant person; (b) cases involving conduct that is either (1) criminally negligent, (2) evidencing reckless disregard, or (3) demonstrating intent to harm the health of the pregnant person seeking abortion care; or (c) cases where the abortion, miscarriage, or reproductive healthcare is evidence of another crime against the mother, such as sexual assault.

Section 4. The Mayor and Commission commit to ensuring that abortion care is included in any health insurance coverages made available to ACCGov employees and directs the Manager to investigate and explore updates to health care insurance policies to meet that goal.

Section 5. It is the policy of Athens-Clarke County that ACCgov will not participate in any State, Federal, or private grant program with the intent to investigate or support the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, except in (a) cases where coercion or force is used against a pregnant person; (b) cases involving conduct that is either (1) criminally negligent, (2) evidencing reckless disregard, or (3) demonstrating intent to harm the health of the pregnant person seeking abortion care; or (c) cases where the abortion, miscarriage, or reproductive healthcare is evidence of another crime against the mother, such as sexual assault.

APPROVED AND ADOPTED this ____ day of _____, 2022.

**UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY,
GEORGIA**

By: _____
Mayor

Attest: _____
Clerk of Commission

(SEAL)

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WHEREAS, HB 481 was appealed to the 11th Circuit Court of Appeals which put a stay on review of HB 481 until after the Supreme Court decided *Dobbs v. Jackson Women's Health*; and

WHEREAS, the 11th Circuit Court of Appeals will be issuing a decision after legal briefs are presented in July 2022, which is expected to be in favor of HB 481 and, if so, would ban most abortions in Georgia after around six weeks into pregnancy; and

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities and communities of color; and

WHEREAS, low-income women are over five times more likely than affluent women to experience an unintended pregnancy, which has significant implications for social mobility, given that unplanned childbearing is associated with higher rates of poverty, less family stability, and worse outcomes for children according to the Brookings Center on Children & Families; and

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WHEREAS, we affirm our support of reproductive justice, which means the freedom to create the families of our choice under the conditions of our choice, including not only access to abortion care but access to quality housing, healthcare, childcare, and jobs with thriving wages needed to support healthy families; and

WHEREAS the strategic plan for the Unified Government of Athens-Clarke County adopted on March 1, 2022 commits the Unified Government of Athens-Clarke County ("ACCGov") to supporting and promoting healthy lifestyles, including physical and psychological care; developing programs, policies, and

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