

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 62 - 2022

AUGUST 3, 2022

AN ORDINANCE

Amending the City of Allentown Code, Part II, General Legislation, by adding Chapter 474, Regulating Rights and Actions, **§ 474-3 Enforcement Limitations Regarding Bans of Certain Reproductive Health Care Services**, adding a provision that if abortion ever becomes illegal nationwide or in the Commonwealth of Pennsylvania, the Council of the City of Allentown instructs all city officials and law enforcement agencies to deprioritize enforcement of any abortion-related crime to the fullest extent possible.

WHEREAS, the Supreme Court of the United States issued an Opinion in Dobbs v. Jackson Women's Health Organization (2022) that has overturned its prior decision in Roe v. Wade (1973) and its progeny; and,

WHEREAS, after at the time of the issuance of this Opinion, bans on access to certain reproductive health care services, including abortion, have been proposed at the state and national levels; and,

WHEREAS, subject to certain expectations, the Pennsylvania Abortion Control Act currently allows persons to seek access to reproductive health care services, including abortion, within the Commonwealth of Pennsylvania; and,

WHEREAS, it is the intention of the City of Allentown to decline participation in any such ban on access to reproductive health care services, and to codify and restate reproductive rights as they currently exist, to the fullest extent of its authority under the Home Rule Charter of the City of Allentown.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the following be added to Part II, General Legislation, as Chapter 474 Regulating Rights and Actions, § 474-3: **Enforcement Limitations Regarding Bans of Certain Reproductive Health Care Services**

§ 474-3: Enforcement Limitations Regarding Bans of Certain Reproductive Health Care Services

A. DEFINITIONS: For the purposes of this section the following definitions shall apply:

“Abortion” means the use of any means to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulation, fertilization, or the implantation of a fertilized ovum within the uterus.

“Reproductive health care services” means all medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, miscarriage, or the termination of a pregnancy.

B. De-prioritization of Enforcement of Crimes Related to Obtaining Certain Reproductive Health Care Services.

If certain reproductive health care services, including abortion, ever becomes illegal nationwide or in the Commonwealth of Pennsylvania, the Council of the City of Allentown instructs all city officials and city law enforcement agencies to deprioritize enforcement of crimes related to providing or receiving these reproductive health care services, including abortion, to the furthest extent possible.

SECTION TWO: That the following § **474-5 Severability** be added as a provision for this section and chapter:

§ 474-5 Severability.

The provisions of this Chapter are severable. If any portion of this Chapter is held invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of this Chapter, which shall be given and remains in full force and effect.

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.