



City of Northampton
MASSACHUSETTS

In the City Council, June 6, 2019

Upon the Recommendation of: Councilor Alisa F. Klein
 Councilor Gina-Louise Sciarra

R-19.091

A RESOLUTION AFFIRMING SUPPORT FOR ACCESS TO SAFE AND LEGAL ABORTION IN THE COMMONWEALTH OF MASSACHUSETTS AND ACROSS THE UNITED STATES

- WHEREAS, on January 22, 1973, in a historic and landmark decision, the U.S. Supreme Court ruled in *Roe v. Wade* that the U.S. Constitution safeguards a woman's ability to make her own personal medical decisions about when or whether to have children, as grounded in "the Due Process Clause of the Fourteenth Amendment, which protects against state action the right to privacy, including a woman's qualified right to terminate her pregnancy;" and
- WHEREAS, this right has been affirmed in subsequent Supreme Court cases such as *Planned Parenthood v. Casey* (1992) and *Whole Women's Health v. Hellerstedt* (2016); and
- WHEREAS, the Trump-Pence administration's repeated attacks on, and stated desire to restrict access to, abortion and other reproductive health care have given states across the United States a green light to pass unconstitutional barriers to safe and legal abortion; and
- WHEREAS, many states including Alabama, Kentucky, Georgia, and Missouri have, in direct conflict with Supreme Court precedent, recently passed laws that ban or restrict access to legal and safe abortions, and similar measures have been proposed in several more states; and
- WHEREAS, with the appointment last year of Justice Brett Kavanaugh tipping the U.S. Supreme Court in favor of restricting abortion, these state laws are additionally intended to serve as test cases for the Supreme Court to overturn *Roe v. Wade* and effectively restrict or eliminate access to legal and safe abortions across the country; and
- WHEREAS reproductive health, including abortion, is a vital component of overall health, and health care is recognized as a fundamental human right; and

WHEREAS, an individual’s freedom to make reproductive decisions is vital to their safety, well-being, economic opportunity, and ability to participate equally in society; and

WHEREAS, if health insurance coverage for abortion is restricted, this restriction harms most those who already face significant barriers to receiving high-quality health care, such as low-income individuals, immigrants, young people, people of color, and transgender and gender-nonconforming people; and

WHEREAS, when an individual is denied access to abortion, they are more likely to fall into poverty than an individual who has been able to get an abortion;¹ and

WHEREAS, the U.N. Human Rights Committee stated in 2018 that governments “should not introduce new barriers and should remove existing barriers that deny effective access by women and girls to safe and legal abortion;”² and

WHEREAS, the Massachusetts State Senate is currently considering S.1209, “An Act to Remove Obstacles and Expand Abortion Access,” also known as the “ROE Act,” co-sponsored by State Senator Joanne N. Comerford, and the Massachusetts House is considering H.3320, “An Act Removing Obstacles and Expanding Access to Women’s Reproductive Health,” co-sponsored by State Representative Lindsay N. Sabadosa, both bills serving as a buttress to the 1981 Massachusetts Supreme Judicial Court’s codification of the right to abortion in the Commonwealth by:

- removing prejudicial language in the general law;
- removing gestational age from the language so termination may still occur for fetal abnormalities;
- allowing additional monies to be used to fund procedures for those who do not qualify for MassHealth; and
- removing judicial bypass, which is particularly crucial for minors in the foster care system and other situations; and

WHEREAS, State Representative Lindsay N. Sabadosa has introduced in the House HD.3658, “An Act to Require Public Universities to Provide Medication Abortion” calling for the establishment of a “fund to be known as the Public University Health Center Sexual and Reproduction Health Preparation Fund for medical abortion readiness” to be administered by the Massachusetts Commission on the Status of Women and calling for a “grant of \$200,000 to each public university health

¹ Reproductive Health Technologies Project (August 2015). *Two Sides of the Same Coin: Integrating Economic and Reproductive Justice*. Retrieved from <http://rhttp.org/abortion/documents/TwoSidesSameCoinReport.pdf>.

² United Nations Human Rights Committee, (2018). *General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life*. https://www.ohchr.org/Documents/HRBodies/CCPR/CCPR_C_GC_36.pdf

center to pay for the cost, both direct and indirect, of medical abortion readiness;” and

WHEREAS, at the federal level, the U.S. Senate is considering S.758, co-sponsored by Massachusetts Senators Edward J. Markey and Elizabeth Warren, and the U.S. House is considering HR.1692, both bills known as the “Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act of 2019,” to ensure equal, affordable access to abortion for all woman equally, and among other provisions, prohibits political interference with decisions of private health insurance companies to offer coverage for abortion care and requires federal health insurance programs, including Medicaid, Medicare and CHIP, to provide coverage for abortion services; and

WHEREAS, also at the federal level, Senators Markey and Warren are co-sponsoring S.1645 – “A bill to protect a woman’s ability to determine whether or not to bear a child or end a pregnancy, and to protect a health care provider’s ability to provide reproductive health care services, including abortion services” also known as “The Women’s Health Protection Act” (WHPA), and in the House, Representative James P. McGovern is co-sponsoring H.R.2975 – “The Women’s Health Protection Act,” that create federal protections against state restrictions on reproductive health care by establishing a statutory right for health care providers to provide, and their patients to receive, abortion services free from medically unnecessary restrictions, limitations, and bans that delay, and at times, completely obstruct, access to abortion.

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton hereby states its commitment to the protection of abortion rights, reproductive health care rights, and individuals’ rights to make reproductive decisions about their own bodies.

BE IT FURTHER RESOLVED that the City Council of Northampton does hereby support the immediate passage of Massachusetts Senate Bill S.1209, “An Act to Remove Obstacles and Expand Abortion Access,” House Bill H.3320, “An Act Removing Obstacles and Expanding Access to Women’s Reproductive Health,” and HD.3658, “An Act to Require Public Universities to Provide Medication Abortion” to reinforce the Commonwealth’s Constitution that recognizes the legal right to abortion.

BE IT FURTHER RESOLVED that the City Council of Northampton does hereby support the immediate passage of S.758 and HR.1692, both known as the “Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act of 2019,” to ensure equal access to reproductive and abortion health care to all individuals across the United States no matter their income level, source of health care coverage, immigration status, race, age, or gender identity.

BE IT FURTHER RESOLVED that the City Council of Northampton does hereby support the immediate passage of S.1645 and H.R.2975 – “The Women’s Health Protection Act” to assure

the right to access abortion care free from bans, obstacles, and restrictions not required for other health care services.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to U.S. Senator Elizabeth Warren; U.S. Senator Edward J. Markey; U.S. Representative James P. McGovern; Massachusetts Governor Charles Baker; lead sponsor of S.1209, State Senator Harriet L. Chandler; lead sponsors of H.3320, State Representatives Patricia A. Haddad and Jay D. Livingstone; State Senator Joanne N. Comerford; and State Representative Lindsay N. Sabadosa.