City of Toledo

One Government Center
Toledo, OH 43604

Legislation Details (With Text)

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Title:	Declaring City of Toledo Council's Opposition to S.B. 23, signed into law on July 11, 2019, that was triggered after the Supreme Court of the United States decision in Dobbs v. Jackson, overturning Roe v. Wade; and declaring an emergency.				
Sponsors:	Nick Komives, Theresa Gadus, Michele Grim				
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Council Members Komives, Gadus and Grim

Declaring City of Toledo Council's Opposition to S.B. 23, signed into law on July 11, 2019, that was triggered after the Supreme Court of the United States decision in Dobbs v. Jackson, overturning Roe v. Wade; and declaring an emergency.

Request for Toledo City Council's consideration of a Resolution declaring the Toledo City Council's opposition to the Supreme Court of the United States decision in Dobbs v. Jackson Women's Health Organization, opposing state laws limiting and criminalizing abortion, and supporting the rights of pregnant persons to access reproductive health care, including abortions.

On July 11, 2019, Ohio Governor Mike DeWine signed into law S.B. 23. This bill was triggered after the United States Supreme Court decided *Dobbs v. Jackson*, overturning *Roe v. Wade,* and eliminating a woman's Constitutional right to an abortion. This decision made abortion illegal in Ohio after 6 weeks, or upon the detection of heartbeat, essentially banning almost 90% of abortions that take place in Ohio.

The proposed resolution declares Toledo City Council's support for the rights of pregnant persons in the City to obtain access to the full spectrum of reproductive health care, including abortion care.

The proposed resolution also declares Toledo Council's support for City officials in establishing law enforcement priorities that consider the need to protect the physical, psychological, and socioeconomic well-being of pregnant persons and their care providers and make the enforcement of laws that restrict or deny abortion and abortion-related care the lowest priority for law enforcement.

WHEREAS, the Toledo City Council recognizes S.B. 23 as a near total ban on abortions in Ohio.

WHEREAS, the City of Toledo takes a stand to protect abortion as a form of healthcare.

WHEREAS, the City of Toledo seeks medical professionals who are engaged in reproductive healthcare from the risk of license forfeiture and criminal prosecution.

WHEREAS, the City of Toledo seeks to protect pregnant individuals from any physical or emotional harm that will result from forced pregnancies.

WHEREAS, the City of Toledo pledges to protect a woman's fundamental constitutional right to bodily autonomy under Article I, Sections 1, 16, and 21 of the Ohio Constitution.

WHEREAS, by choosing to make abortion-related healthcare the lowest priority enforcement, the City of Toledo will reinforce its commitment to the protection of its residents' right to healthcare decisions, including abortion care, and will seek to preserve the public interest through its commitment to the public peace, health, safety and property of all Toledoans. NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. The City of Toledo formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting the right of its residents to make reproductive health decisions, including abortion care, for themselves.

SECTION 2. It is the policy of the City of Toledo that the investigation or support for the prosecution of any allegation, charge or information relating to the outcome of a given pregnancy, including abortion or 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) of criminally negligent conduct involving the health of the pregnant person seeking care, (b) where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but evidence of another crime, and (c) in which a pregnant person was coerced against their will to perform an abortion, or related medical procedures.

SECTION 3. It is the policy recommendation of the City of Toledo that, except to the extent otherwise clearly required by state or federal law, City funds will not be used to: store or catalog any report of an abortion, miscarriage, or other reproductive healthcare act strictly for the purpose of pursuing a criminal investigation; provide information to any other governmental body or agency about any abortion, miscarriage, or other reproductive healthcare act strictly for the purpose of pursing a criminal investigation; or conduct surveillance or collect information related to an individual or organization strictly 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.

SECTION 4. The Toledo City Council 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 to the health of the pregnant person seeking care.

SECTION 5. This Resolution, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the Resolution is necessary for the immediate preservation of the public peace, health, safety and property.

Vote on emergency clause: yeas _____, nays _____.

Adopted: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____   _____
                  Clerk of Council   President of Council

Approved: _____   _____
                                                                                          Mayor