



## Legislation Text

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File #: 72236, Version: 1

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### Fiscal Note

No fiscal impact.

### Title

To Protect Reproductive Justice in the City of Madison.

### Body

WHEREAS, access to health care promotes the general welfare of Madison residents; and

WHEREAS, access to reproductive health care is critical to women's physical, psychological, and socioeconomic well-being; and

WHEREAS, the right to decide to have an abortion before viability has been United States Supreme Court precedent for nearly 50 years; and

WHEREAS, the leaked draft majority opinion in *Dobbs v. Jackson Women's Health Organization* would overturn the constitutional right to abortion as recognized in *Roe v. Wade*, 410 U.S. 113 (1973), and reaffirmed in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); and

WHEREAS, if the United States Supreme Court maintains its draft decision, Wis. Stat. § 940.04 and other laws that currently are unenforceable because of *Roe v. Wade* and *Planned Parenthood v. Casey* will be allowed to go into effect, prompting the Center for Reproductive Rights to designate Wisconsin "hostile" to abortion care; and

WHEREAS, abortions are very common, with 1 in 4 women in the United States having an abortion by the time they are 45 years old; and

WHEREAS, banning abortions doesn't reduce abortions, but it does lead to worse public health outcomes; and

WHEREAS, the U.S. has the worst country for maternal mortality among wealthy countries; and

WHEREAS, there is a continued need for surgical intervention to save the life of women experiencing ectopic pregnancy, or in the case of retained or incomplete miscarriage or placental retention after childbirth, and any other situations as deemed necessary by a licensed health care provider; and

WHEREAS, Black women in the U.S. are [three times as likely to die from a pregnancy-related cause than white women](https://www.cdc.gov/healthequity/features/maternal-mortality/index.html) and forcing birth will only further exacerbate these inequities in our community; and

WHEREAS, before abortion was legalized in the 1970s, unsafe abortions caused at least 1 in every 6 pregnancy-related deaths; and

WHEREAS, abortions have [been decreasing in the U.S. for decades](https://www.guttmacher.org/report/pregnancies-births-abortion-in-united-states-1973-2017), likely due to access to contraception and greater sex education access; and

WHEREAS, forced birth negatively impacts the physical, mental, emotional, social, and economic health of women, parents, and families; and

WHEREAS, free and easily accessible long-term contraception and <https://pubmed.ncbi.nlm.nih.gov/18346659/> comprehensive sex education in schools are two policy solutions that reduce unintended pregnancies.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Madison agree all people have the ability to make medical decisions about their own body; and

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison support the rights of pregnant persons in the City to obtain access to the full spectrum of reproductive healthcare, including abortion care; and therefore oppose the draft majority opinion in *Dobbs v. Jackson Women's Health Organization*; and

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison denounce and oppose the implementation of Wis. Stat. § 940.04 and other Wisconsin laws that prohibit and criminalize abortions, including Wis. Stat. § 940.15, which prohibits non-physicians from performing abortions, even though other medical professionals, such as nurse practitioners, certified nurse midwives, and physician assistants can and do provide safe abortions in other states; and

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison support Madison Police Chief Shon F. Barnes in his establishing law enforcement priorities that consider the need to protect the physical, psychological, and socioeconomic well-being of pregnant people and their care providers; and

BE IT FURTHER RESOLVED that if the United States Supreme Court overturns *Roe* and/or *Casey*, and/or if the Court upholds Mississippi's 15-week ban, the Mayor and Common Council of the City of Madison support and authorize the Chief of Police to revise the Madison Police Department's (MPD) General Orders to reflect that no physical arrest will be made by an officer for an alleged violation of Wis. Stat. § 940.04 and any charge arising out of those laws can proceed only by long form in lieu of arrest, where the conduct in question occurs at a medical facility; and

BE IT FURTHER RESOLVED that if the United States Supreme Court overturns *Roe* and/or *Casey*, or in the alternative, the United States Supreme Court does not formally overturn *Roe* and/or *Casey* but nevertheless upholds Mississippi's 15-week ban, the Mayor and Common Council of the City of Madison support and authorize the Chief of Police to revise MPD's General Orders to reflect that if or when MPD receives a complaint asserting solely a violation of Wis. Stat. § 940.04, MPD will refer the matter to the Wisconsin Department of Health Services for investigation and will not respond to the premises if that premises is a licensed medical facility; and

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison are supportive of robust sexual and reproductive health services and an advocacy and education strategy on reproductive justice for the Madison Community; and

BE IT FINALLY RESOLVED that the Mayor and Common Council of the City of Madison will work to ensure access and availability of reproductive health services for Madison residents.

Sources:

<https://www.guttmacher.org/fact-sheet/induced-abortion-united-states>

<https://yourlocalepidemiologist.substack.com/p/banning-abortions-will-not-stop-abortions?s=r>

<https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/maternal-mortality-maternity-care-us-compared-10-countries>

<https://www.cdc.gov/healthequity/features/maternal-mortality/index.html>

<https://www.plannedparenthoodaction.org/issues/abortion/roe-v-wade>  
<https://www.guttmacher.org/report/pregnancies-births-abortions-in-united-states-1973-2017>  
<https://www.nytimes.com/2019/09/18/health/abortion-rate-dropped.html>  
<https://pubmed.ncbi.nlm.nih.gov/18346659/>