

4. Government Administration, Human Resources, and Policy

.2 An Ordinance Amending Chapter 215 of the City of Ithaca Municipal Code Entitled “Human Rights Protection” to Add Article VII “Protection of Reproductive Rights”

WHEREAS, the City of Ithaca hereby affirms and expresses support that the core values of our community include creating a climate of welcome and inclusiveness, protecting and preserving democracy, freedom, human rights, and the dignity of all people; and

WHEREAS, the 2019 Reproductive Health Act affirmed New York State’s commitment to comprehensive reproductive healthcare as a fundamental component of health, privacy, and equality; and

WHEREAS, in anticipation of an expected Supreme Court ruling, some state legislatures have moved to criminalize out-of-state abortions; and

WHEREAS, the New York State Legislature is actively considering the A10148 the Reproductive Freedom and Equity Program Act; now therefore

ORDINANCE 2022-

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. That the protection of reproductive rights is essential to healthcare and the wellbeing of individuals.
2. That New York State legalized abortion in 1970 prior to the landmark Roe v. Wade case enshrined these protections in the U.S. Constitution.

Based on the above findings of fact, and consistent with the Tenth Amendment to the United States Constitution, the enactment of this Article is intended to achieve the following objectives,

Section 2.

§215 of the City Code is hereby amended to add at the end thereof a new Article VII to read as follows:

Article VII Protection of Reproductive Rights

§215-47 The purpose and intent of this Article is to recognize the importance of reproductive healthcare as a matter of health, privacy, and equality and to ensure, to the

greatest extent permitted by law, that those rights are upheld for all residing within the City of Ithaca.

§215-48 Persons not to be detained.

A. No city resources, including, but not limited to, time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for:

- 1) Detaining persons for performing or aiding in the performance of an abortion within this state, or in procuring an abortion in this state, if the abortion is performed in accordance with the provisions of Article 25A of the Public Health Law or any other applicable New York State law, or
- 2) Cooperating with or providing information to any individual or out-of-state agency or department regarding the provision of a lawful abortion performed in the state.

B. Nothing in this section shall prohibit the investigation of any criminal activity in this state, provided that no information relating to any medical procedure performed on a specific individual may be shared with an out-of-state agency or any other individual.

C. Any person detained in violation of this section may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

Section 3. Severability Clause

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date

This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.