

NO. 01-23-OR

ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania amending and supplementing the Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," through the creation of a new Chapter 290, entitled "Law Enforcement Prioritization."

WHEREAS, the Supreme Court of the United States' Opinion in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, 597 U.S. ____ (2022), has overturned its prior decision in *Roe v. Wade* (1973) and its progeny; and

WHEREAS, this shift has radically altered the legal and healthcare landscapes, and has eliminated a Constitutional right that individuals under the age of 50 have held and become accustomed to for their entire lives; and

WHEREAS, it is the judgment of Council that the long-established right of individuals to control their own reproductive healthcare decision-making is no longer secure after the Court's decision in *Dobbs*; and

WHEREAS, this lack of security is rendered even more immediate because, as of the date of introduction of this Ordinance, the Pennsylvania General Assembly is already considering a number of bills that would restrict the right to govern one's own healthcare, in some cases imposing criminal penalties in the process:

- SB378, introduced on March 10, 2021, would impose criminal penalties on abortions performed after the detection of a fetal heartbeat (which can be detected as soon as six weeks after conception and well in advance of fetal viability), unless clinically necessary;
- HB904, introduced March 15, 2021, also criminalizing abortion performed after the detection of a fetal heartbeat;
- HB1500, criminalizing abortions performed based on prenatal detection of Down Syndrome, was passed by the PA House on June 8, 2021 and is currently pending before the PA Senate;

- SB21, introduced January 20, 2021, also criminalizing abortions performed based on either prenatal detection of Down Syndrome or based upon the gender of the unborn child;
- HB2252, introduced January 20, 2022, proposing an amendment to the PA Constitution forbidding public funding of any elective abortion and expressly disavowing any PA Constitutional right to obtain an abortion under any circumstances, which would essentially eliminate potential Constitutional challenges to Commonwealth abortion laws, once enacted;
- SB956, containing essentially the same provisions as HB2252, this bill was introduced December 15, 2021 and had been tabled, but was removed from the table by the Senate Committee on Health and Human Services on June 28, 2022, less than a week after the *Dobbs* decision;
- SB152, introduced February 1, 2021 but also removed from the table by the Senate Committee on Health and Human Services on June 15, 2022, this bill would prioritize public funds for family planning services to private hospitals and community health centers over “unconventional” health care providers such as Planned Parenthood; and
- SB106, passed in the House and Senate on July 8, 2022, proposing an amendment to the PA Constitution revoking any right to an abortion.

WHEREAS, at the time of the introduction of this Ordinance, bans and/or restrictions on access to reproductive health services that contain potential criminal sanctions may also be proposed at the national level; and,

WHEREAS, it is the intention of Allegheny County to decline participation, to the maximum extent possible, in attempts to prosecute individuals for exercising their own judgment in making their own reproductive health decisions, and to codify and restate reproductive rights as they currently exist to the fullest extent of its authority under the Home Rule Charter of Allegheny County.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The preamble to this Ordinance is hereby incorporated in its entirety herein.

SECTION 2. Amendment of the Code.

The Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," is hereby amended and supplemented through the creation of a new Chapter 290, entitled "Law Enforcement Prioritization," and comprised as follows:

**Chapter 290
Law Enforcement Prioritization**

§290-1. Reproductive health.

To the extent abortion becomes illegal nationwide or in the Commonwealth of Pennsylvania, all County officials and employees, including but not limited to the Allegheny County Police, the Allegheny County Sheriff, the Allegheny County District Attorney, and any department(s) retaining records relevant to potential prosecution, shall deprioritize enforcement to the fullest extent possible of such abortion-related crime against pregnant persons, licensed medical professionals, or those who assist others in obtaining or procuring abortions or abortion-related services, subject to the limitations of § 290-2.

§290-2. Exceptions.

§290-1 shall not apply in cases (a) where coercion or force is used against the pregnant person, (b) of negligent conduct involving the health of the pregnant person, or (c) where the abortion is not the crime being investigated but evidence of another crime.

SECTION 2. Effective Date.

This Ordinance shall be effective as of the date of final approval.

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER DUERR


CO-SPONSORS: COUNCIL MEMBERS BENNETT and PRIZIO

Enacted in Council, this 29th day of January, 2022, 3

Council Agenda No. 12537-22




President of Council

Attest: 
Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office January 26th, 2022, 3

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
~~Sonya Dietz~~ Jennifer M. Liptak
~~Executive's Secretary~~ Chief of Staff