



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: Final action – vote expected

UPDATED
AGENDA ITEM# 2.5
May 10, 2022
Introduction/Action

SUBJECT

Resolution Supporting the Preservation of Abortion Rights Under *Roe v. Wade*

Lead Sponsor: Councilmember Navarro

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Vote to suspend Rule 7(c) in order to introduce and act upon the resolution on the same day.
- Vote on whether to approve the proposed resolution.

DESCRIPTION/ISSUE

Councilmember Navarro has proposed the enclosed resolution to support the preservation of constitutional rights under *Roe v. Wade*.

SUMMARY OF KEY DISCUSSION POINTS

- A recently leaked draft U.S. Supreme Court opinion indicates that the Court is poised to overturn *Roe v. Wade*, a nearly 50-year-old precedent upholding an individual's right to access abortion under the Due Process Clause of the Fourteenth Amendment.
- The resolution urges the U.S. Supreme Court to maintain the fundamental rights provided under *Roe v. Wade*, and urges Congress to enact a law to make abortions legal across the nation.

This report contains:

Resolution

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Navarro

SUBJECT: Resolution Supporting the Preservation of Abortion Rights Under *Roe v. Wade*

Background

1. *Roe v. Wade* (410 U.S. 113 (1973)) is a landmark U.S. Supreme Court decision that protects a pregnant individual’s unequivocal right under the U.S. Constitution to choose to have an abortion prior to viability, and to make health care decisions throughout pregnancy without undue government interference. Under the Due Process Clause of the Fourteenth Amendment, an individual has a right to privacy, including in health care decisions and access to abortion care.
2. *Roe v. Wade* is consistent with legal precedent, including *Griswold v. Connecticut* (1965) and *Eisenstadt v. Baird* (1972), and has been repeatedly reaffirmed by the U.S. Supreme Court, including in *Obergefell v. Hodges* (2015).
3. For nearly five decades, the constitutional right to an abortion has been consistently under attack, with some states enacting dangerous restrictions that make getting an abortion nearly impossible for many.
4. According to the Guttmacher Institute, 26 states across the U.S. are certain or likely to ban abortions if *Roe v. Wade* is overturned, and 22 states already have laws or constitutional amendments in place that would ban abortions as soon as possible.
5. Health clinics close and health care services disappear in states with laws restricting the right to choose, and individuals with low incomes and Black, Indigenous and People of Color (BIPOC) are disproportionately impacted by restricting access to abortion care.
6. The Harvard School of Public Health reports that restricting abortion access has negative health implications and does not result in fewer abortions. Instead,

abortion restrictions compel individuals to risk their health and their lives by seeking unsafe abortions.

7. A 2021 research article published by Duke University Press, estimated that banning abortions in the U.S. would lead to a 21 percent increase in the number of pregnancy-related deaths overall and a 33 percent increase in pregnancy-related deaths among Black women.
8. The recently leaked draft U.S. Supreme Court opinion indicates that the high court is prepared to end one's constitutional right to an abortion established under *Roe v. Wade*.
9. In contrast, during the 2022 Maryland General Assembly Session, state lawmakers voted to enact the Abortion Care Access Act (House Bill 937), which expands who can perform abortions by allowing health practitioners, including nurse practitioners, midwives and physicians' assistants, to perform the procedure. The law also requires the state government to contract with an organization to develop abortion care training programs at two community sites. The goal of the new law is to expand the number of health care professionals with abortion care training, and to increase the racial and ethnic diversity of health care professionals with abortion care training.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Council recognizes access to a safe and legal abortion as a fundamental human right. The Council believes that a supportive legal framework for abortion care is critical, and supports access for everyone who seeks the service.

The Council fully supports efforts to: ensure that all individuals can access comprehensive, unbiased information and make their own health care decisions related to their bodies; promote preventive health care services; ensure that all residents have access to comprehensive, affordable health care that includes pregnancy-related care, prenatal care, miscarriage management, family planning services, abortion care, labor and delivery services, and postnatal care; and improve access to reproductive health care, regardless of the state where an individual lives or seeks care.

The Council urges the U.S. Supreme Court to maintain the fundamental rights provided under *Roe v. Wade*, and urges the U.S. Congress to enact a law to make abortions legal across the nation.

The Council will work with federal and state lawmakers to advocate for an individual's right to choose and make their own health care decisions in Montgomery County, Maryland.

The Council is committed to ensuring that health care organizations that provide reproductive health services have the appropriate supports and capacity to safeguard reproductive rights in our communities, including the rights of transgender and nonbinary residents.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council