



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Essie McGuire, Senior Legislative Analyst  
Tara Clemons, Legislative Analyst  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #reproductivehealth #abortionaccess

AGENDA ITEM #16  
July 12, 2022  
**Introduction**

## SUBJECT

Introduction – Supplemental Appropriation #23-9, FY23 Operating Budget, Montgomery County Government, Department of Health and Human Services, Assistance to Access Abortion, Reproductive Health, and Related Services, \$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

## EXPECTED ATTENDEES

Jodi Finkelstein, Executive Director, Montgomery County Commission for Women  
Earl Stoddard, Assistant Chief Administrative Officer

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Council will introduce a supplemental appropriation to the FY23 Operating Budget for the Department of Health and Human Services (DHHS) for \$1 million to support assistance to access abortion, reproductive health, and related services.
- The Council is tentatively scheduled to hold a public hearing and consider action on this supplemental on July 26, 2022.
- The staff memo attached presents background information and possible approaches for Council consideration. The Council may wish to review these options today at introduction, and identify approaches that may be considered, so that this discussion can inform the public hearing and subsequent action scheduled on July 26, 2022.

## DESCRIPTION/ISSUE

On June 24, 2022, the Supreme Court issued a decision in *Dobbs vs. Jackson Women's Health* that overturned the previous precedent that held that the Constitution generally protects the liberty to choose to have an abortion. This decision raised concerns from many, including Councilmembers, as to what actions are needed at the County level to support access to abortion services.

## SUMMARY OF KEY DISCUSSION POINTS

On June 28, 2022, the County Executive transmitted a supplemental appropriation for \$1 million to support access to abortion services and other related purposes. This appropriation is before the Council for introduction today.

Council staff suggests that it may be helpful to refine and clarify the language in the appropriation resolution to avoid duplication with existing programs and to ensure that the funds support providers who offer services that are in keeping with the intent of the appropriation.

The Council staff memorandum attached presents two options to refine and clarify the appropriation resolution that was transmitted:

- Option 1 identifies immediate areas of impact for a first round of grant awards, and specifies them in the resolution.
- Option 2 maintains a broad range of possible grant award areas, but clarifies the language in the allowable purposes to reflect the intent to support access to abortion services specifically.

Both options presented by Council staff in the attached memorandum include allocating funds for a needs assessment to inform future efforts in this area, and both require that the Executive report to the Council on the grants application and award processes.

**This report contains:**

Council staff memorandum	© 1
County Executive June 28 transmittal	© 7
Guidelines for proposed grants ( <i>Executive branch draft</i> )	© 11
May 4, 2022, letter from Council Vice President Glass	© 13
May 10, 2022, resolution sponsored by Councilmember Navarro	© 14
Highlighted list of existing County maternal/reproductive health programs	© 18

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## MEMORANDUM

July 8, 2022

TO: County Council

FROM: Essie McGuire, Senior Legislative Analyst  
Tara Clemons, Legislative Analyst

SUBJECT: **Introduction** – Supplemental Appropriation #23-9, FY23 Operating Budget, Montgomery County Government, Department of Health and Human Services, Assistance to Access Abortion, Reproductive Health, and Related Services, \$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

***Purpose:***

The Council will introduce a supplemental appropriation to the FY23 Operating Budget for the Department of Health and Human Services (DHHS) for \$1 million to support assistance to access abortion, reproductive health, and related services. The Council is tentatively scheduled to hold a public hearing and consider action on this supplemental on July 26, 2022.

This staff report presents background information and possible approaches for Council consideration. The Council may wish to review these options today at introduction, and identify approaches that may be considered, so that this discussion can inform the public hearing and subsequent action scheduled on July 26, 2022.

### **BACKGROUND**

On June 24, 2022, the Supreme Court issued a decision in *Dobbs vs. Jackson Women's Health* that overturned the previous precedent that held that the Constitution generally protects the liberty to choose to have an abortion. This decision raised concerns from many, including Councilmembers, as to what actions are needed at the County level to support access to abortion.

- On May 4, 2022, Council Vice President Glass wrote to County Executive Elrich expressing concern over the potential impact of a Supreme Court decision to overturn *Roe v Wade*, and asked that the Department of Health and Human Services begin planning for such an outcome. This letter is attached at circle 13.
- On May 10, 2022, Councilmember Navarro introduced a Resolution Supporting the Preservation of Abortion Rights Under *Roe v Wade*. The Council unanimously approved this resolution, which is attached beginning at circle 14 and at the following link:  
[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220510/20220510\\_2-5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220510/20220510_2-5.pdf)

- On June 28, 2022, the County Executive transmitted a supplemental appropriation for \$1 million to support access to abortion services and other related purposes. This appropriation is before the Council for introduction today; the transmittal begins at circle 7.

## **CURRENT STATUS: COUNTY, STATE, AND FEDERAL**

### **Montgomery County**

- Approximately 8 providers are known and verified to provide abortion services in Montgomery County. There may be other providers who see private insurance only or do not advertise their services.
- There are 11 surgical abortion centers licensed in the state; 4 are in Montgomery County, according to the Maryland Department of Health. These figures do not include non-surgical abortion providers that terminate pregnancies through medications and are not tracked by the state health department ([Surgical Abortion Centers in Maryland](#)).
- Average cost for the abortion pill is \$450. Some organizations will provide at home abortion pills via video consultation and discreet mailing in Maryland, DC, and Virginia, along with 12 other states. Average cost for an in-office procedure is \$900.

### **State of Maryland**

- Maryland does not require a counseling session or a waiting period before getting an abortion.
- Abortion is available up to "viability," which is the stage of pregnancy when a fetus has developed enough that it is likely to survive outside the womb.

### **2022 Maryland General Assembly Session Changes**

- [HB 937 bill](#) establishes the Abortion Clinical Care Training Program in the Maryland Department of Health and makes substantial changes regarding the requirements related to who may perform abortion in the State. The law took effect July 1.
- The law requires the state's existing abortion care coverage under Medicaid to be permanent, and requires private health insurance plans, with exceptions for those with religious or legal exemption, to cover abortion care without cost-sharing or deductibles.
- The bill also expands who can perform abortion procedures including nurse practitioners, physician assistants, and midwives.
- The bill does not expand the circumstances under which a woman can seek an abortion in Maryland.
- The State General Assembly also allocated \$3.5 million for training related in part to the measure expanding which practitioners can perform abortion procedures. Governor Hogan is withholding the funds as part of the FY23 budget process. As a result, those funds will not be available until June 2023 unless the Governor releases them earlier.
- An issue that remains pending for next session is passing a constitutional amendment ensuring access to abortion in the state. The measure passed the House this year but was not taken up in the Senate. Lawmakers have stated their intent to take it up again during the next session. If passed in the General Assembly, it would ultimately be decided by voters through a statewide referendum.

### **Federal**

- On July 8, 2022, President Biden signed an Executive Order Protecting Access to Reproductive Health Care Services. The U.S. Department of Health and Human Services (HHS), is tasked with

submitting a report within the next 30 days to the President regarding the implementation of the order's provisions. The provisions include steps to safeguard access to medication abortion and emergency contraception, protect patient privacy, launch public education efforts as well as bolster the security of and the legal options available to those seeking and providing abortion services. ([Executive Order - Reproductive Health Access](#) )

- On June 30, 2022, Federal HHS announced nearly \$3 million in new funding to bolster training and technical assistance for the nationwide network of Title X family planning providers. The awards will help Title X grantees increase training and technical assistance to address the challenges that the recent Supreme Court decision may have on Title X Family planning service delivery and the right to safe and legal abortion care ([HHS Training Grants](#)).

### **COUNTY EXECUTIVE’S PROPOSAL: OVERVIEW**

The supplemental appropriation as recommended by the County Executive would provide grants to organizations in the community that support abortion services or other activities related to reproductive health. The draft appropriation resolution outlines the following four areas as allowable purposes to receive grants:

*“The supplemental appropriation would allow for grants to be provided through the Department of Health and Human Services, in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:*

- *Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have children;*
- *Providing grants to organizations in the County that provide abortion services;*
- *Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and*
- *Providing aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights.”*

These areas cover a wide range of services, from supporting direct abortion services, to family wraparound services, to legal services, as well as a wide range of individuals to be served.

Executive staff stated that the broad approach in the Executive’s appropriation request reflects the reality that the full impacts of the Supreme Court decision are unknown at this time, and that the impacts could reach into many areas of service and support for reproductive health. Executive staff stated that the rationale behind this approach was to provide maximum flexibility for DHHS to issue grants that would respond to impacts and needs that may emerge over time, and to be able to do so quickly. Executive staff further stated that the grants implementation process would provide greater specificity through the solicitation and application materials as the process develops and moves forward. Initial draft outlines of the grant process requirements are attached on circle 11.

### **POLICY CONSIDERATIONS**

Council staff concurs that there is much that is uncertain and unknown at this time around needs and gaps in access to abortion services for women in Montgomery County. The Council could take one of several approaches to appropriating funds at this time. The Council can concur with the broad approach as submitted and require Executive branch staff to report back to the Council on grant solicitations and awards as they move forward; or the Council could clarify more targeted objectives to be addressed

through this action and continue to provide resources as needed over time. Council staff offers the following considerations in determining how to proceed.

- **Scope:** The County has several existing programs through which to continue or increase support for maternal health, family wraparound services, and family planning services. The major components of these programs are listed on circle 17. The Council may want to focus the immediate efforts of this supplemental appropriation on more narrowly targeted supports connected to the immediate changes in the reproductive health environment related to abortion services. Similarly, the Council may want to more clearly delineate the services that providers must offer in order to be eligible for grant consideration, to ensure that the grant funds are awarded to support services that are in keeping with the intent of the appropriation.
- **Timing:** Given the pace of change at this time and the unknown nature of how the decision will impact the County, State, and the region, the Council may want to identify issue areas to be addressed in the first round of grant awards, and return in to specify additional areas for grant support related to specific needs that arise.
- **Needs Assessment:** As the first round of grant responses are provided, the Council could also allocate funds toward a needs assessment to be conducted with a report to the Council this fall. This effort would provide more comprehensive data and information around the barriers to accessing abortion services in Montgomery County, gaps in existing services, and emerging impacts on this service sector. The Council could then use the results of this assessment to inform next steps and phases of support for women and providers.

### **OPTIONS FOR AMENDMENTS**

In this context, Council staff offers two options for refining the proposed appropriation. Both options presume that the full \$1 million amount is appropriated as scheduled on July 26.

#### ***Option 1: Target the scope of the appropriation***

- **Identify immediate areas of impact for a first round of grant awards, and specify them in the resolution.**

Council staff suggests the following two areas as a starting point:

- **Security:** Given the heightened tensions in the political and civic environment around this and other issues, some providers of abortion services may experience concerns that require increased safety or security measures. The Council could specify security for providers who offer direct abortion services or referral to abortion services as one of the target areas for grant awards.
  - **Training and start-up:** As noted earlier, the General Assembly significantly expanded the categories of providers who can perform abortion services; however, the associated funding to support training for new providers has not yet been released. The Council could specify training and start-up costs for new abortion service providers in Montgomery County as one of the target areas for grant awards. This would relate directly to increasing access to services in the County, and could provide a bridge to eventual State funding.
- **Allocate funds for a needs assessment to be conducted immediately, with a report to the Council in the fall.** This needs assessment would capture the evolving local and regional

dynamics of this service area, and provide a foundation for understanding what additional resources or supports are needed in the community going forward.

- **Return in the fall to further specify areas for additional grant opportunities**, as well as any other approaches identified through the needs assessment process or that have emerged in the community.
- **Require the Executive to report to the Council on the grants solicitation and award process.**

### ***Option 2: Maintain broad scope of possible grant areas***

If the Council supports providing flexibility through the range of allowable purposes outlined in the transmitted appropriation resolution, Council staff suggests that the language be clarified to avoid duplication with existing County programs that support maternal health and to specify the services providers would have to offer in order to be eligible.

For example, the allowable purposes could be edited as follows:

- *Assisting with wraparound services to those who are accessing abortion services;*
- *Providing grants to organizations in the County that provide abortion services, or that refer patients to abortion services as part of comprehensive family planning and reproductive health education; and*
- *Providing aid to organizations that are fighting legal battles on behalf of those seeking access to abortion services.*

Council staff also suggests that in this approach, as outlined in Option 1, the Council allocate funds for a needs assessment and add reporting requirements for the Executive Branch to the Council on the grant solicitations and awards.

### **OTHER JURISDICTIONS**

As context for this discussion, Council staff highlights some responses that neighboring jurisdictions have taken in the wake of the Supreme Court decision.

- Baltimore Mayor Brandon Scott pledged \$300,000 to help immediately after the ruling was issued, to create an account at the Baltimore Civic Fund to provide grants to organizations that provide abortion and family planning services. Additionally, the Open Society Institute-Baltimore committed \$250,000 to such organizations.
- Baltimore City Council introduced a resolution on June 13, 2022, to designate Baltimore City as an Abortion Rights Protection Jurisdiction and improve abortion care capacity in preparation for an increase in the number of out-of-state patients seeking to terminate a pregnancy ([Baltimore City Resolution](#)).
- Fairfax County Supervisors passed a [Joint Board Matter](#) on June 28, 2022, to create a website with information on reproductive resources and women's health services that currently exist in the County, and facilities available to Fairfax County residents. The Chair of the Fairfax County Board of Supervisors Jeff McKay says his jurisdiction will continue to support abortion rights.
- The Alexandria City Council unanimously passed a resolution to protect abortion rights on June 28, 2022. The resolution requests the Virginia General Assembly to oppose new abortion restrictions and asks the city attorney to join litigation seeking to protect access to the procedure.

It also includes language seeking to relax zoning requirements for new abortion clinics in the city ([Alexandria City Council Resolution](#)).

- The D.C. Council is reviewing two bills seeking to protect reproductive rights in Washington DC - The Human Rights Sanctuary Amendment Act of 2022 and the Enhancing Reproductive Health Protections Amendment Act of 2022. Both bills would make D.C. a safe haven for people who need reproductive health access and ensure that LGBTQ+ individuals can seek gender-affirming care ([Human Rights Act](#) [Health Professions Act](#)).






OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

MEMORANDUM

June 28, 2022

TO: Gabe Albornoz, President  
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Supplemental Appropriation #23-9, FY23 Operating Budget  
Montgomery County Government,  
Department of Health and Human Services (\$1,000,000)

I am recommending a supplemental appropriation to the FY23 Operating Budget in the amount of \$1,000,000. The purpose of this disbursement is to help ensure that those seeking abortion and family planning services in the County and the organizations which assist women have the resources to do so.

On June 24, 2022, the Supreme Court in their decision on *Dobbs v. Jackson Women's Health* egregiously overturned 50 years of precedent to strip away the right to an abortion for women throughout the Country. In Montgomery County, we are grateful to have state laws that strongly support a women's right to have an abortion. However, it is still a burden to many, and the demand on our practitioners in the state will only increase due to bans in other states.

This funding would allow for grants to be provided through the Department of Health and Human Services in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:

- Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have children;
- Providing grants to organizations in the County that provide abortion services;
- Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and

Supplemental Appropriation #23-9, FY23 Operating Budget Montgomery County Government,  
Department of Health and Human Services (\$1,000,000)

June 28, 2022

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- Providing aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights

At a time when the Supreme Court and elected officials across the Country are focused on subjugating women, jeopardizing their health, and rolling back fundamental rights, we in Montgomery County have a responsibility to protect the rights of our residents and those who utilize the services in our County.

I recommend that the County Council approve this supplemental appropriation in the amount of \$1,000,000 as soon as possible and help ensure that we protect the rights of women.

I appreciate your prompt consideration of this action.

ME:yew

Enclosure: Supplemental Appropriation #23-9

cc: Dr. Raymond L. Crowel, Director, Department of Health and Human Services  
Rafael P. Murphy, Director, Office of Grants Management  
Jennifer R. Bryant, Director, Office of Management and Budget  
Tiffany Ward, Director, Office of Racial Equity and Social Justice

Resolution No: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive

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SUBJECT: Supplemental Appropriation #23-9 to the FY23 Operative Budget  
Montgomery County Government  
Department of Health and Human Services  
Assistance to Access Abortion, Reproductive Health, and Related Services,  
\$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State, or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation as if it were an item in the annual budget.
2. On May 2, 2022, it was reported that the Supreme Court of the United States intended to strike down *Roe v. Wade*, a 50-year-old precedent, which affirmed the rights of a person to choose abortion care, and ensured that women had control of their own bodies. Since that point, many elected officials in states around the Country have affirmed their support for a complete ban on abortion care in their states, while others have supported heavy restrictions. While Maryland has strong legal protections for a woman's right to choose, it is expected that providers, nonprofits, and other Montgomery County based organizations will need increased resources to provide care for women throughout the region. On June 24, 2022, the Supreme Court of the United States struck down *Roe v. Wade*.
3. On May 10, 2022, County Executive Elrich, and Councilmember Navarro at a press conference announced their support for an additional \$1 million in County funding to support the right to access abortion care, with a pledge that the County will "do all we can to protect women's health and their personal rights."
4. The County Executive has requested the following FY23 Operating Budget appropriation increase for the Department of Health & Human Services:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$1,000,000	\$0	\$1,000,000	General Fund: Undesignated Reserves

5. The supplemental appropriation would allow for grants to be provided through the Department of Health and Human Services, in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:
  - Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have children;
  - Providing grants to organizations in the County that provide abortion services;
  - Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and
  - Providing aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights.
6. The County Executive recommends a supplemental appropriation to the FY23 Operating Budget in the amount of \$1,000,000 and specifies the source of funds as General Fund: Undesignated Reserves.
7. Notice of a public hearing was given, and a public hearing was held.

Action

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

A supplemental appropriation to the FY23 Operating Budget of the Department of Health and Human Services is approved as follows:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$1,000,000	\$0	\$1,000,000	General Fund: Undesignated Reserves

This is a correct copy of Council action.

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Judy Rupp  
Clerk of the Council

## **FY23 Abortion, Reproductive Health, and Related Services Access (ARHRSA) Grants**

The Montgomery County Office of Grants Management will solicit grant applications for the County's FY 2023 Abortion, Reproductive Health, and Related Services Access (ARHRSA) Grants program from qualified Community-Based Organizations (CBOs) providing direct services within the County. The target population for this grant are women seeking access to abortion, reproductive health, and related services.

The County Executive has proposed \$1 million for ARHRSA with a minimum award of \$50,000 and a maximum award of \$250,000. The grants will be administered by the Department of Health and Human Services (HHS) and will have a performance period of up to twelve (12) months. The grant program provides direct services to address at least one of the following purposes:

- Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have or adopt children;
- Providing grants to organizations in the County that provide abortion services;
- Reproductive health care and legal training, education, and outreach;
- Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and
- Supporting organizations providing legal, security, transportation, childcare, housing, and other support to those seeking access to reproductive rights.

Applications will be collected through the [Montgomery County Office of Grants Management - Grants Application Platform \(fluidreview.com\)](#). The portal will open for application within 24 hours of Council passage and close 30 days later. OGM will host a hybrid MS Teams Live ARHRSA Grants program information session for interested parties with a recording of the event posted on the application platform.

The program will be marketed through social media, County listservs, nonprofit partner forums, the County webpage, and other platforms. A review panel made up of subject matter experts from HHS and other related County offices will rate the applications on a 100-point scale with cumulative rankings determining the final awards.

The application will consist of an:

- Organizational Profile – Contact information, organization mission, and structure
- Program Plan – Series of narrative questions that will outline the proposed program
- Staffing Plan – the staff roles and responsibilities under the Program Plan
- Program Budget – Details of the implementation costs of the Program Plan
- Program Work Plan/Timeline – the Program Plan implementation schedule
- Performance Plan – Outline of metrics to be collected, targets for each metric, and the data collection method for each metric as well as any qualitative evaluation methods
- Ethics and Legal Certification – Verification of the legal authority of signatory to submit a proposal on behalf of an organization and other ethics certifications

Preference will be given to programs that prioritize serving to low-income, uninsured, and/or

other historically underserved beneficiaries. Proposed programs must be new services and County funding cannot be used to supplant other funding for already planned services.

Applicants should directly address these priority areas in their proposal. Service providers do not need a nonprofit designation to apply but all services must take place within the County. The County does not expect applicants to collect data on beneficiary residence.



**MONTGOMERY COUNTY COUNCIL**  
**ROCKVILLE, MARYLAND**

**EVAN GLASS**  
VICE PRESIDENT

TRANSPORTATION & ENVIRONMENT COMMITTEE  
HEALTH AND HUMAN SERVICES COMMITTEE

May 4, 2022

County Executive Marc Elrich:

The devastating draft opinion from the Supreme Court reversing *Roe v. Wade* has sent shockwaves nationwide. Concerned residents of Maryland and Montgomery County should know that we remain committed to ensuring access to safe and legal abortions.

With the recently passed Abortion Care Access Act, the state legislature safeguarded and expanded access to reproductive healthcare. This new law, which goes into effect July 1, increases access to abortion through Medicaid and private insurance, and expands the network of providers who are authorized to perform these procedures.

Should the Supreme Court overturn *Roe v. Wade*, rolling back safe and legal abortions, this would most impact Black, Latina and low-income individuals.

We must follow Maryland's lead to expand safe and legal abortions. While some women will be covered by Medicaid, we know that out of pocket costs can be a barrier for low-income individuals. Gaps also exist for those who are not Medicaid eligible and cannot afford this healthcare service.

During discussions on the FY23 budget in the Health and Human Services Committee, I proposed that we add funding to provide expanded access to safe and legal abortions. While my colleagues suggested that we revisit this after an official ruling from the Supreme Court, I ask that the Department of Health and Human Services begin to plan for the potentially catastrophic situation.

Women have the right to make decisions that impact their health and their bodies. And our role as government – at all levels – is to support these decisions.

Sincerely,

Evan Glass  
Vice President



**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**

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Lead Sponsor: Councilmember Navarro

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**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.

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Judy Rupp  
Clerk of the Council

## Montgomery County DHHS Maternal/Reproductive Health Programs

### Babies Born Healthy

- The BBH program provides care coordination services to help at-risk pregnant women connect with resources and to help them stay healthy through their pregnancies. Services include: prenatal education; and screening for depression, substance abuse, intimate partner violence and environmental safety.

### Maternity Partnership

- Prenatal services are offered through three local hospitals and community clinics including prenatal care, routine laboratory tests, prenatal classes, and a dental screening by a dental hygienist, if referred.

### Improved Pregnancy Outcomes

- works with mothers who have had a fetal or infant loss to gain information about their experience.

### Maternal/Child Nurse Case Management

- program provides on-site and in-home Community Health Nurse Case Management services to uninsured pregnant women and children up to age two. Case management services include education, assessment and referral, and assistance to clients in accessing health, economic, and self-sufficiency services and programs.

### Teen Pregnancy Prevention

- School nurses work in accordance with Maryland state regulations providing Montgomery County Public School (MCPS) students with education and referrals that promote healthy lifestyle choices. Male and female students can meet with their school nurse for a one-on-one meeting and receive accurate information regarding their reproductive health.

### Teen Parent Support

- The Teen Parent Support program provides peer group education on raising children, healthy relationships, and prevention of repeat teenage pregnancy. The support groups are led by school nurses and assisted by Montgomery County Public School (MCPS) staff and/or community partners and are available in all high schools, depending on need.

### S.M.I.L.E. (Start More Infants Living Equally healthy) Program

- S.M.I.L.E. provides the tools and support that aim to improve the likelihood of healthy birth outcomes. The program is administered by registered nurse case managers who are passionate, and highly committed to partnering with women from pregnancy to the baby's first birthday. The program provides high-quality support and care to Black/African American moms and expectant moms and their infants.

### Pregnancy Testing

- DHHS provides urine pregnancy testing to women who think they may be pregnant and offer counseling at the Germantown and Silver Spring Health Centers.

### State Funding

- The state provides Title X Funding - Medicaid Family Planning / Reproductive Health, to clinics in the County providing individuals with comprehensive family planning and related preventive health services. The Title X program is designed to provide access to contraceptive services, supplies and information to all who want and need them. By law, priority is given to individuals from low-income families. Providers include Mary's Center, Community Clinic Inc and Planned Parenthood. The Title X funds used to come to the County and DHHS would subcontract with the clinics. The state decided to contract with them directly in 2015/2016.