

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, CONDEMNING THE INVIDIOUS AND REPRESSIVE ANTI-ABORTION LEGISLATION PASSED IN SEVERAL U.S. STATES, URGING THE FLORIDA LEGISLATURE TO TAKE NECESSARY STEPS TO SAFEGUARD AND PROMOTE THE FUNDAMENTAL RIGHT TO ABORTION AND ACCESS TO REPRODUCTIVE HEALTHCARE, URGING ALL FLORIDA MUNICIPALITIES TO JOIN THE CITY OF MIAMI BEACH IN ITS EFFORTS TO PROTECT ABORTION RIGHTS AND REPRODUCTIVE HEALTHCARE, AND DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION AND THE COMMENTS SET FORTH HEREIN TO THE FLORIDA LEGISLATURE, THE FLORIDA LEAGUE OF CITIES, AND TO ALL MUNICIPALITIES WITHIN MIAMI-DADE, BROWARD, MONROE, PALM BEACH, AND MARTIN COUNTIES.

WHEREAS, in a 1973 landmark decision, *Roe v. Wade*, the United States Supreme Court established that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution provides a fundamental "right to privacy" that protects a pregnant person's liberty to choose whether or not to have an abortion; and

WHEREAS, before *Roe v. Wade*, illegal abortions were estimated to range from 200,000 to 1.2 million per year, and constituted at least 17 percent of all maternal deaths attributed to pregnancy and childbirth in 1965 alone¹; and

WHEREAS, the legalization of abortion in the U.S. led to safer practices and drastically reduced the incidence of maternal deaths and hospitalizations related to abortion²; and

WHEREAS, in 2018, over 60 bills were introduced in more than 21 States to protect and expand access to reproductive care; and

¹ Rachel Benson Gold, Lessons from Before Roe: Will Past Be Prologue?, GUTTMACHER INST. (March 2003), <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

² Susan A. Cohen, Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide, 12 GUTTMACHER POLICY REVIEW 2 (2009), available at https://www.guttmacher.org/sites/default/files/article_files/gpr120402.pdf.

WHEREAS, however, state legislatures across the country have adopted more than 420 abortion restrictions since 2011³, with the strictest laws enacted recently in the states of Alabama and Georgia; and

WHEREAS, the laws enacted in Alabama and Georgia are the most egregious anti-abortion laws to date as they threaten an individual's fundamental right to privacy and the right to safe and legal access to abortion;

WHEREAS, specifically, the Alabama law, entitled the "Human Life Protection Act" (the "Alabama Law"), and signed into law on May 15, 2019, prohibits abortions at any stage of pregnancy (unless a person's life is threatened or there is a lethal fetal anomaly), and carries no exceptions for termination of a pregnancy resulting from rape or incest; and

WHEREAS, the Alabama Law is the strictest anti-abortion measure passed in the United States in nearly half a century, which flouts the precedent established by the U.S. Supreme Court in *Roe v. Wade* and subsequent decisions, and makes performing abortions a felony; abortion doctors, if convicted, could face prison time up to 99 years; and

WHEREAS, Alabama's attempt to essentially ban abortion, and eviscerate a person's right to choose, places the safety, health, and welfare of people at risk, as many people will nonetheless choose to terminate their pregnancies and will be forced to do so through unregulated, and potentially unsafe means; and

WHEREAS, the Alabama Law is part of a broader, concerted, national effort to eliminate access to safe and legal abortions; and

WHEREAS, more states are expected to follow suit by passing draconian, blatantly unconstitutional abortion restrictions, with the intention that such restrictions will be challenged and appealed, so that the Supreme Court is ultimately forced to reconsider the fundamental right to abortion; and

WHEREAS, each year, about five million women worldwide are hospitalized for complications arising from unsafe, illegal abortions⁴; and

³ Elizabeth Nash, et al., Policy Trends 2018: With *Roe v. Wade* in Jeopardy, States Continued to Add New Abortion Restrictions, GUTTMACHER INST. (Jan. 2019), <https://www.guttmacher.org/article/2018/12/state-policy-trends-2018-roe-v-wade-jeopardy-states-continued-add-new-abortion>.

⁴ Susan A. Cohen, Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide, 12 GUTTMACHER POLICY REVIEW 2 4 (2009), available at https://www.guttmacher.org/sites/default/files/article_files/gpr120402.pdf.

WHEREAS, internationally, abortion-related deaths occur more frequently in countries that restrict abortion, and the 82 countries with the most restrictive abortion laws also have the highest incidence of unsafe abortions⁵; and

WHEREAS, a National Academies of Science, Engineering, and Medicine study concluded that abortion is safe and effective, but medically-unnecessary regulations of abortion can diminish the quality of abortion care by contributing to the decline of facilities that provide abortion, needlessly delaying abortion, and making it unnecessarily difficult to access abortion care⁶; and

WHEREAS, according to leading public health organizations such as the American College of Obstetricians and Gynecologists, the American Medical Association, American Academy of Family Physicians, and the American Osteopathic Association, blocking women's access to legal abortion "jeopardize[s] women's health"⁷; and

WHEREAS, the impact of abortion restrictions is predominantly felt by those who already experience barriers to health care, including young people, people of color and those with disabilities, people with low incomes, and people who live in rural areas or are undocumented; and

WHEREAS, the City of Miami Beach has historically been at the front of advancing, promoting, and protecting the rights of marginalized communities, including reproductive rights; and

WHEREAS, in 2010, the Mayor and the City Commission adopted Resolution No. 2010-27405, urging Governor Charlie Christ to veto a bill that would require pregnant people to undergo an ultrasound and review the ultrasound images prior to obtaining an abortion; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach vehemently oppose all legislation passed in Alabama, Georgia, and other states which restrict a person's constitutional and fundamental right to abortion; and

WHEREAS, the Florida standard for privacy extends even further than the federal standard, as the Florida Constitution explicitly provides that "every natural person has the right to be let alone and free from governmental intrusion into the person's private life;" and

WHEREAS, as such, the Mayor and the City Commission urge the Florida

⁵ Lisa Haddad & Nawal Naur, Unsafe Abortion: Unnecessary Maternal Mortality, 2 REVIEWS IN OBSTETRICS & GYNECOLOGY 122, 124 (2009), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2709326/pdf/RIOG002002_0122.pdf.

⁶ NAT'L ACADEMIES OF SCI., ENGINEERING, AND MED. ("NAT'L ACADEMIES"), THE SAFETY & QUALITY OF ABORTION CARE IN THE U.S. (March 2018).

⁷ Brief for American College of Obstetricians and Gynecologists et al. as Amici Curiae Supporting Appellant at 5, Whole Woman's Health v. Hellerstedt, 136 S. Ct. 2292 (2016) 2016 WL 74948.

