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**BALTIMORE CITY COUNCIL  
HEALTH, ENVIRONMENT AND TECHNOLOGY  
COMMITTEE**

*Mission Statement*

On behalf of the Citizens of Baltimore City, the mission of the Health, Environment, and Technology (HET) Committee is to study, review, and recommend policies to improve overall public health and welfare, achieve environmental justice and sustainability, and promote the adoption of, and equitable access to, technology to better meet the needs of all City residents.

**The Honorable Danielle McCray  
Chair**

**PUBLIC HEARING**

**WEDNESDAY, NOVEMBER 29, 2023  
10:00 AM**

**COUNCIL CHAMBERS**

*Council Resolution 23-0185R*

**Reproductive Options for Everyone**

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## BILL SYNOPSIS

### Health, Environment, and Technology

#### Council Resolution: 23-0185R

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#### Reproductive Options for Everyone

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**Sponsor:** Councilmember Porter

**Introduced:** August 21, 2023

**Purpose:**

For the purpose of calling on all units of City government receiving City funds to safeguard an individual's right to abortion care by, unless otherwise required by Maryland or federal law, refraining from using City funds to store, catalogue, provide, monitor, or collect certain information that could be used to retaliate against an individual seeking abortion care.

**Effective:** The 30<sup>th</sup> day after the date it is enacted

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#### Agency Reports

|                      |                    |
|----------------------|--------------------|
| City Solicitor       | None as of writing |
| Department of Health | Favorable          |

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## Analysis

### Background

This resolution holds significant importance for Baltimore City as it addresses the protection of an individual's right to abortion care within the context of city-funded activities. By calling on all units of City government receiving funds to refrain from using resources for storing, cataloging, providing, monitoring, or collecting information that could be used to retaliate against individuals seeking abortion care, the bill seeks to safeguard reproductive rights. This approach aligns with the broader national conversation on protecting women's reproductive choices and ensuring that access to abortion remains a fundamental right. In Baltimore, where diverse communities face varying socio-economic challenges, such legislation can be crucial in fostering an environment that upholds individual autonomy and healthcare access, especially for vulnerable populations who may be disproportionately affected by restrictions on abortion.

Furthermore, the bill reflects Baltimore City's commitment to creating a supportive and inclusive environment for its residents. By explicitly stating that city funds should not be employed to gather information that could compromise the privacy or rights of those seeking abortion care, the legislation aligns with the values of individual freedom and healthcare autonomy. In a city where healthcare disparities and access to services can be significant concerns, this bill underscores the commitment to protect reproductive rights and mitigate potential barriers to abortion access, contributing to the overall well-being and agency of Baltimore residents.

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### Additional Information

**Fiscal Note:** N/A

**Information Source(s):** Reporting Agencies, Resolution 1<sup>st</sup> Reader

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*Deontre Hayes*


Analysis by: Deontre Hayes  
Analysis Date: November 27, 2023

Direct Inquiries to: (410) 396-1260

# **HEALTH, ENVIRONMENT, AND TECHNOLOGY COMMITTEE**

## **AGENCY REPORTS**

**SEE ATTACHED**

|                  |                       |  |  |   |
|------------------|-----------------------|--|--|---|
| F<br>R<br>O<br>M | Name & Title          | Mary Beth Haller, Acting Commissioner                                    | Health<br>Department<br><br>AGENCY<br>REPORT |  |
|                  | Agency Name & Address | Health Department<br>1001 E. Fayette Street<br>Baltimore, Maryland 21202 |  |   |
|                  | Subject/<br>Position  | 23-0185R – Reproductive Options for Everyone<br><br><b>FAVORABLE</b>     |  |   |

To: President and Members  
of the City Council  
c/o 409 City Hall

September 25, 2023

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review Council Bill 23-0185R, entitled “Reproductive Options for Everyone.” This encourages City government entities to refrain from using City funds to store, catalogue, provide, monitor, or collect certain information that could be used to retaliate against an individual seeking abortion care, unless otherwise required by Maryland or federal law.

Although BCHD does not provide abortion services, the agency recognizes that every individual has the fundamental right to reproductive freedom without government interference. Reproductive health care is an essential part of health and well-being. All residents need access to comprehensive health care, including abortion, reproductive health counseling, birth control, prenatal care, safe childbirth, childbirth spacing, and parenting support. Each service needs to be available, affordable, and accessible so people can make choices that preserve health.

Council Bill 23-0185R would affirm the City’s position as being in agreement with the state regarding the right to safe abortion care. With the enactment of several state laws in 2023, Maryland not only affirmed the right for its residents to obtain abortion care, but also protected those from other states who come here to seek abortions. SB 786/H 812 – Health – Reproductive Health Services – Protected Information and Insurance Requirements prohibits clinical information about patients who have obtained legally protected health care in Maryland – including abortion – from being shared out of state by the State-designated exchange, unless otherwise request by the patient. This means that someone can obtain an abortion in Maryland without fear that their medical records will be shared outside of Maryland. Additionally, companion bill SB 859/HB 808 – Health – Reproductive Health Protection Act prohibits people from being required to testify or produce evidence in another state about health care that they received legally in Maryland, even if that health care is illegal in the state where the testimony would be requested. The bill also protects health care professionals from being prosecuted for performing care that is legal in the state in which they provided it.

For the reasons noted above, BCHD requests a favorable position on Council Bill 23-0185R.

**CITY OF BALTIMORE  
COUNCIL BILL 23-0185R  
(First Reader)**

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Introduced by: Councilmembers Porter, Ramos, Middleton, Cohen, Burnett, McCray, Bullock,  
Conway, Stokes, Glover, Costello, and President Mosby

Introduced and read first time: August 21, 2023

Assigned to: Health, Environment, and Technology Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department

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A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Reproductive Options for Everyone**

3 FOR the purpose of calling on all units of City government receiving City funds to safeguard an  
4 individual's right to abortion care by, unless otherwise required by Maryland or federal law,  
5 refraining from using City funds to store, catalogue, provide, monitor, or collect certain  
6 information that could be used to retaliate against an individual seeking abortion care.

7 **Recitals**

8 **WHEREAS**, the City Council of Baltimore City recognizes that reproductive rights are human  
9 rights and strongly support the right of pregnant persons to bodily autonomy and control over  
10 their medical decisions, as well as their right to privacy with regard to those decisions.

11 **WHEREAS**, the 2022 decision by the United States Supreme Court to overturn the 1973 ruling  
12 in *Roe v. Wade* has threatened these rights and several states have subsequently passed legislation  
13 impeding a pregnant person's right to bodily autonomy by severely restricting or outright banning  
14 an individual's right to seek abortion care.

15 **WHEREAS**, some state legislatures have demonstrated an intent to punish individuals who  
16 cross state lines to seek abortion care, including Idaho, which enacted a law penalizing  
17 individuals who assist a minor in seeking out-of-state abortion care.

18 **WHEREAS**, these laws have a detrimental effect on the health and welfare of pregnant persons  
19 by restricting or eliminating access to safe abortions, even when the life of the pregnant person is  
20 in danger.

21 **WHEREAS**, eliminating the right to safe and legal abortion care is proven to increase the risk  
22 of death, physical injury, and infertility to pregnant persons who need or desire abortion care and  
23 it is well-documented that these laws restricting or eliminating abortion care options  
24 disproportionately harm minorities and lower-income individuals.

25 **WHEREAS**, the City Council of Baltimore City supports the right of every person to medical  
26 treatment, including abortion care, and recognize the right to privacy inherent in the United  
27 States Constitution.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 23-0185R**

1       **WHEREAS**, the rights to medical care and privacy should not only shield pregnant persons  
2 from criminal charges arising from the exercise of these fundamental rights, but should also  
3 shield pregnant persons from unreasonable intrusion into their medical records.

4       **WHEREAS**, the City Council of Baltimore City condemns in the strongest terms any attempt  
5 to abrogate these fundamental liberties and affirm their commitment to protecting privacy and the  
6 right to bodily autonomy regarding reproductive health care decisions and safeguarding  
7 individuals from repercussions for exercising those rights.

8       **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, that the City  
9 Council of Baltimore City calls on all units of City government receiving City funds, including  
10 all City agencies, the Baltimore Police Department, the Baltimore City Sheriff’s Office, and the  
11 Office of the State’s Attorney for Baltimore City, to, except as otherwise required by Maryland or  
12 federal law, refrain from using City funds to:

- 13           1. store or catalogue any report of:
  - 14                   (i) an abortion;
  - 15                   (ii) a miscarriage; or
  - 16                   (iii) another reproductive health care act that could be prosecuted based on an  
17                           out-of-state law;
- 18           2. unless such information is provided to defend a patient’s right to abortion care or a  
19           healthcare provider’s right to provide that care, provide information to any other  
20           governmental body or agency about any:
  - 21                   (i) abortion;
  - 22                   (ii) miscarriage; or
  - 23                   (iii) another reproductive health care act that could be prosecuted; and
- 24           3. conduct surveillance or collect data or other information related to any individual,  
25           organization, or medical provider for the purpose of determining whether an abortion  
26           has occurred, except for the collection of aggregated data without personally  
27           identifying information or personal health information for purposes unrelated to  
28           criminal investigation, enforcement or prosecution.

29       **AND BE IT FURTHER RESOLVED**, That the City Council of Baltimore City does not  
30 intend for any part of this Resolution to apply in a case where coercion or force is used against a  
31 pregnant person, or in a case involving criminally negligent conduct of the health of a pregnant  
32 person seeking care.

33       **AND BE IT FURTHER RESOLVED**, That all resolutions or parts of resolutions previously  
34 passed by the City Council conflicting this Resolution are hereby waived to the extent of the  
35 conflict.



**Council Bill 23-0185R**

1           **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the City  
2 Solicitor, the Acting Commissioner of the Baltimore Police Department, the Baltimore City  
3 Sheriff, the State’s Attorney for Baltimore City, the Commissioner of the Baltimore City Health  
4 Department, and the Mayor’s Legislative Liaison to the City Council.