

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 63 - 2022

AUGUST 3, 2022

AN ORDINANCE

Amending the City of Allentown Code, Part II, General Legislation, by adding Chapter 474, Regulating Rights and Actions, **§ 474-4 Protection of Reproductive Health Care Services Providers from Out-of-State Investigation or Prosecution for Providing Legal Abortion Care.**

SECTION ONE: That the following be added to Part II, General Legislation, as Chapter 474 Regulating Rights and Actions, § 474-4, **Protection of Reproductive Health Care Services Providers from Out-of-State Investigation or Prosecution for Providing Legal Abortion Care.**

§ 474-4 Protection of Reproductive Health Care Services Providers from Out-of-State Investigation or Prosecution for Providing Legal Abortion Care.

A. DEFINITIONS: For the purposes of this section the following definitions shall apply:

“Abortion” means the use of any means to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulation, fertilization, or the implantation of a fertilized ovum within the uterus.

“Reproductive health care services” means all medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, miscarriage, or the termination of a pregnancy.

B. No Assistance from City of Allentown Officials, Employees, or Departments

1. Except as required by a Pennsylvania court order, Pennsylvania law, or federal law, no City of Allentown elected or appointed official, officer, employee, or Department shall provide any information, or expend or use time, money, facilities, property, equipment,

personnel, or other City resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanction upon a person or entity for:

- a. The provision, receipt, seeking of, inquiring about, or responding to an inquiry about, reproductive health care services that are legal in the Commonwealth of Pennsylvania; or
- b. Assisting, advising, aiding, abetting, facilitating, soliciting, or conspiring with any person or entity providing, receiving, seeking, inquiring, or responding to an inquiry about, reproductive health care services that are legal in the Commonwealth of Pennsylvania.

2. This limitation does not apply to any investigation or proceeding in which the conduct that is subject to potential liability under the investigation or proceeding would be subject to civil or criminal liability or professional sanction under Pennsylvania law if committed in the Commonwealth of Pennsylvania.

SECTION TWO: That the following **§ 474-5 Severability** be added as a provision for this section and chapter:

§ 474-5 Severability.

The provisions of this Chapter are severable. If any portion of this Chapter is held invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of this Chapter, which shall be given and remains in full force and effect.

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.