

**APPROPRIATION ORDINANCE 22-04****TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND EXPENDITURES  
NOT OTHERWISE APPROPRIATED TO FUND AN EMERGENCY REPRODUCTIVE  
HEALTH CARE GRANT PROGRAM TO HELP ADDRESS THE IMPACTS OF  
INDIANA'S NEAR-TOTAL ABORTION BAN**

WHEREAS, on June 24, 2022, the United States Supreme Court issued its decision in *Dobbs v. Jackson Women's Health Org.*, 597 U.S. \_\_\_\_ (2022), which reversed nearly fifty years of Supreme Court case law recognizing a fundamental federal constitutional right to decide whether to carry a pregnancy to term; and

WHEREAS, prior to the *Dobbs* decision, states were prevented as a matter of federal constitutional law from banning, or imposing an undue burden on access to, abortion before the ability of the fetus to live outside the womb (typically estimated at 22 weeks after the pregnant person's last menstrual period); and

WHEREAS, following the *Dobbs* decision, the Indiana General Assembly met in special session between July 25 and August 5 to revise Indiana's abortion laws, and passed Senate Bill 1 ("S.B. 1"), which the Governor signed and which imposes a near-total ban on abortion in the state; and

WHEREAS, S.B. 1 bans all abortions performed in the state from the moment of fertilization except (a) in the first 10 weeks of postfertilization age of the fetus when the pregnancy resulted from rape or incest or (b) when reasonable medical judgment indicates that abortion is needed to prevent death or a serious risk of substantial and irreversible *physical* – but not psychological or emotional – harm to the patient, or to address a fetal anomaly reasonably certain to result in the child's death within 3 months after live birth; and

WHEREAS, S.B. 1 requires that the few abortions that may still lawfully be performed in the state be performed in either a hospital or a hospital-owned ambulatory outpatient surgical center (ASC), rather than the clinics that have safely performed for decades the overwhelming majority of abortions in the state, and no inherent or documented difference in level or safety of care supports this restriction; and

WHEREAS, abortion services in hospitals and ASCs are severely restricted geographically in Indiana and are substantially more expensive than clinic-based abortion care, rendering access to even the few abortions permitted under S.B. 1 nearly impossible as a practical matter for many residents, especially those residents with low-incomes; and

WHEREAS, the risk of death associated with childbirth is substantially higher than that associated with abortion, and Indiana's infant and maternal mortality rates are among the worst in the nation; and

WHEREAS, most people seeking an abortion have already had at least one child, and being forced to carry another pregnancy to term can substantially undermine a family's economic and emotional resources to care for existing children; and

WHEREAS, S.B. 1 requires the state medical licensing board to revoke a physician's license to practice medicine in the state if the Attorney General proves that the physician knowingly or intentionally performed an abortion not permitted under S.B. 1,

using the lowest burden of proof available under law – a “preponderance of the evidence” or “more likely than not”; and

WHEREAS, S.B. 1 also imposes criminal penalties including imprisonment of one to six years and fines of up to \$10,000, on persons who knowingly or intentionally perform a prohibited abortion; and

WHEREAS, physicians in this state may credibly fear that they will be prosecuted and/or have their licenses revoked for exercising their professional medical judgment if government officials disagree with their assessment of a patient’s condition or otherwise wish to harass health care professionals in order to chill them from providing lawful abortion care to patients; and

WHEREAS, the restrictions and penalties S.B. 1 imposes on access to abortion will undermine the physical, psychological, emotional, and economic well-being of residents experiencing pregnancy or capable of becoming pregnant, as well as their children and families; undermine the exercise of independent medical judgment by reproductive health care professionals and discourage them from practicing in the state, thereby further reducing the availability of reproductive health care services for residents; and likely increase the population of children in the state’s already-strained foster care and adoption systems; and

WHEREAS, in response to the passage of S.B. 1, on August 17, 2022 the Common Council adopted Resolution 22-15, which was signed and approved by the Mayor on August 22, 2022 and indicated that:

(1) denying Hoosiers capable of pregnancy – including our fellow city and county residents – the right to bodily integrity and self-determination will impose tremendous physical, psychological, and economic harms, and

(2) the law will impose those harms disproportionately on people of color, economically disadvantaged people, and all others who face discrimination in the health care system; and

WHEREAS, while a state trial court has temporarily stayed enforcement of S.B. 1, the Attorney General is challenging the stay, which could be lifted at any point by a higher court; and

WHEREAS, during the litigation process the uncertainty surrounding the availability and provision of reproductive health care in Indiana is likely to impose substantial challenges for persons who are pregnant or capable of becoming pregnant, health care professionals, and community organizations that assist residents with access to services surrounding pregnancy and reproductive health; and

WHEREAS, Resolution 22-15 stated the Common Council’s intent to “take such steps as may be appropriate to protect and advance the rights of individuals in Indiana who can become pregnant and to uphold all persons’ rights to privacy, dignity and self-determination”; and

WHEREAS, providing additional funding to community organizations that offer lawful assistance to residents who are experiencing the impacts of S.B. 1, is one such step and a critical response to the reproductive health care crisis that law has created; and

WHEREAS, the Common Council has determined and found that an Emergency Reproductive Health Care Grant Program, administered by and through the Community and Family Resources Department (CFRD) and containing features (application materials, evaluation criteria, funding agreement) similar to other social services grantmaking programs, is an appropriate way to provide this funding to such organizations; and

WHEREAS, the Common Council has determined and found that there are insufficient funds available and provided in the existing departmental budget to fund the Emergency Reproductive Health Care Grant Program and that this additional appropriation will remedy this deficiency; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been compiled with in accordance with Indiana law;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:


SECTION 1: For the expenses of said Emergency Reproductive Health Care Grant Program the following additional sums of money are hereby appropriated and ordered set apart from the General Fund for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund – Community and Family Resources	
Classification 3 – Services and Charges:	\$ 100,000
<b>Grant Total General Fund (Fund #101)</b>	<b>\$ <u>100,000</u></b>


SECTION 2: There is hereby appropriated the sum of One Hundred Thousand Dollars (\$100,000) out of the General Fund, for the purpose of making emergency reproductive health care grants in 2022 to community organizations offering lawful assistance to residents of Bloomington experiencing negative impacts from S.B. 1, using features (application materials, evaluation criteria, funding agreement) similar to other social services grantmaking programs. Such appropriation shall be in addition to all appropriations provided for in the existing 2022 budget and shall continue in effect until the completion of the described purposes.

SECTION 3. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19<sup>th</sup> day of October, 2022.

  
SUSAN SANDBERG, President  
Bloomington Common Council

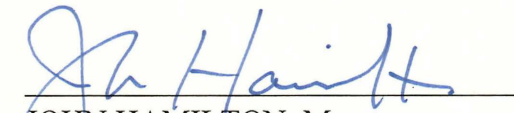
ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20<sup>th</sup> day of October, 2022.

  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 20<sup>th</sup> day of October, 2022.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance appropriates \$100,000 from the General Fund to provide the necessary resources for an Emergency Reproductive Health Care Grant Program administered in 2022 by the Community and Family Resources Department to address the negative impacts of S.B. 1 experienced by residents.

Distributed to: Clerk, Controller, Community and Family Resources Department, Council Attorney, Legal, and Mayor.