

ORDINANCE NO. 72-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 20, "OFFENSES," ARTICLE VIII. "ABORTION," SECTION 20-86, "DEFINITIONS," AND SECTION 20-87, "ABORTION PROHIBITED" OF THE ABILENE CODE OF ORDINANCES AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, on November 8, 2022, as part of a Special Election held by the City of Abilene, a majority of Abilene voters approved the Sanctuary City for the Unborn Ordinance; and

WHEREAS, the Ordinance is codified as Chapter 20, Article VIII, of the Code of Ordinances, City of Abilene; and

WHEREAS, since the adoption of the Ordinance, citizens within Abilene have discussed the effect of the Ordinance; and

WHEREAS, City Council held a public meeting regarding the possibility of amending the Ordinance to address questions raised by citizens, and the Mayor appointed a five-member Committee to review the Ordinance and make any recommendations to the City Council to amend the Ordinance;

WHEREAS, the Committee is making a recommendation to amend some portions of the Ordinance; and

WHEREAS, Abortion-inducing drugs are declared to be contraband if used for the purpose of the termination of an unborn child, and we declare the possession of abortion-inducing drugs used for the purpose of the termination of an unborn child within the city limits to be an unlawful act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 20, "Offenses," Article VIII, "Abortion," Section 20-86, "Definitions," and Section 20-87, "Abortion Prohibited: is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this amended ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code

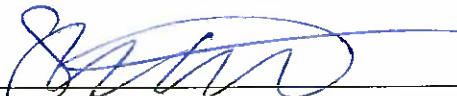
PART 4: Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene, or as specifically provided for in this ordinance. That each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 7th day of December, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of December, 2023, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 21st day of December, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 21st day of December, 2023.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:


CITY ATTORNEY



EXHIBIT "A"

ARTICLE VIII. - ABORTION

Sec. 20-86. - Definitions.

(a) For the purposes of this article, the following definitions shall apply:

(1) "Abortion" means the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. An act is not an abortion if the act is done with the intent to:

- a. Save the life or preserve the health of an unborn child;
- b. Remove a dead, unborn child whose death was caused by accidental spontaneous miscarriage; or
- c. Remove an ectopic pregnancy.

~~(2) "Abortion-inducing drugs" includes mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. The term also does not include drugs or medications that are possessed or distributed for a purpose that does not include the termination of a pregnancy.~~

(3) "Abortion-inducing drugs" includes any drug or medication, irrespective of medically intended use, either on or off label, that is used to terminate the life of an unborn child. The term does not include:

- (A) Plan B, morning-after pills, intrauterine devices, or any other type of contraception or emergency contraception; or
- (B) Drugs or medications that are possessed or distributed for a purpose other than the termination of a pregnancy.
- (C) For purpose of this section:
 1. "Medically intended use" refers to the mechanism of action and general purpose of the drug.
 2. "On Label" refers to the prescription or use of a drug for the purpose approved by the United States' Food and Drug Administration.
 3. "Off Label" refers to the prescription or use of a drug for a different purpose than what the United States' Food and Drug Administration approved.

Sec. 20-87. - Abortion prohibited.

~~(d) It shall be unlawful for any person to possess or distribute abortion-inducing drugs in the City of Abilene, Texas.~~

(d) It shall be unlawful for any person to possess or distribute abortion-inducing drugs for the purpose of the termination of an unborn child in the city of Abilene, Texas.