

DRAFT 12.14.23(2)

ORDINANCE NO. _____

AN ORDINANCE PROTECTING HUMAN LIFE BY ADDING ABORTION-RELATED RESTRICTIONS AND PROVIDING PENALTIES RELATING TO ABORTION-INDUCING DRUGS AND THE POSSESSION AND/OR DISPOSAL OF FETAL REMAINS OF AN ABORTED CHILD FROM AN ELECTIVE ABORTION; ADDING VARIOUS PROVISIONS AND FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, human life, beginning at conception and continuing until natural death, is worthy of being protected from abortion-inducing drugs which end the lives of innocent unborn human beings and rob mothers of the opportunity to be great mothers to those unborn children; and,

WHEREAS, human life, beginning at conception and continuing until death, should never be treated as waste and should be protected from being treated as waste after their death. The bodies of unborn children killed by elective abortions deserve to be treated with the same dignity and respect as the bodies of born children whose lives are lost due to other causes; and,

WHEREAS, to protect the health and welfare of all residents within the city of Amarillo, including the unborn, the City Council finds it necessary to amend the Amarillo Municipal Code to add abortion-related restrictions and prohibitions within the city of Amarillo.

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

SECTION 1. Chapter 8-5 of the Amarillo Municipal Code is hereby amended to add Article VII as follows:

ARTICLE VII - Abortion Related Restrictions

Sec. 8-5-351. Penalties for Abortion-Inducing Drugs

(a) Except as provided by subsection (b), it shall be unlawful for any person or entity

to:

(1) Manufacture, possess, or distribute abortion-inducing drugs in Amarillo;

(2) Mail, transport, deliver, or provide abortion-inducing drugs in any manner

to or from any person or location in Amarillo;

(b) Notwithstanding any other law, subsection (a) does not prohibit:

(1) speech or conduct protected by the United States

Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by article 1, section 8 of the Texas Constitution;

(2) conduct that the city of Amarillo is forbidden to regulate under federal or state law;

(3) conduct taken by a pregnant woman who aborts or seeks to abort her unborn child;

(4) the possession, distribution, mailing, transporting, delivery, or provision of abortion-inducing drugs for a purpose that does not include termination of a pregnancy;

(5) the possession of abortion-inducing drugs resulting from an effort to entrap individuals or entities that violate this section;

(6) conduct taken at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity; or

(7) conduct taken by a licensed medical professional that is necessary to perform, induce, or facilitate an abortion in response to a medical emergency, to complete a miscarriage, or to ensure that the licensed medical professional is prepared to perform, induce, or facilitate an abortion in response to a medical emergency in accordance with Chapter 171 of the Texas Health and Safety Code as amended or other applicable state law.

(c) A violation of this subsection shall be Class C misdemeanor punishable by a fine of up to \$1,000.00 per occurrence.

(d) Abortion-inducing drugs shall be defined per Chapter 171 of the Texas Health and Safety Code, Subchapter D as amended and shall include, but not be limited to, RU486/Mifepristone.

Sec. 8-5-352. Penalties for Transporting or Disposing of the Remains of an Unborn Child Killed by an Elective Abortion

(a) It shall be unlawful for any person or entity to transport the remains of an unborn child who was killed by an elective abortion from any abortion provider into the City of Amarillo, or to dispose of such remains from any abortion provider within the City of Amarillo unless otherwise allowed per Chapter 697 of the Texas Health and Safety Code or other applicable state law.

(b) A violation of this subsection shall be a Class C misdemeanor punishable by a fine up to \$1,000.00 per occurrence.

(c) Under this section a person or entity shall not mean the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child.

(d) Under this section a person or entity shall not mean a health care facility or other entity required to dispose of embryonic and fetal tissue in accordance with Chapter 697 of the Texas Health and Safety Code or other applicable state law.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 3. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation. That nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, contract, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance.

SECTION 5. Penalty- A violation of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00 per occurrence unless otherwise prescribed by state law.

SECTION 6. Publishing and Effective Date. This ordinance shall be published and be effective in accordance with law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the _____ day of _____, 2024; and PASSED on Second and Final Reading the _____ day of _____, 2024.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Byan McWilliams, City Attorney