

**CITY OF AMARILLO, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE PROTECTING HUMAN LIFE BY ADDING ABORTION-RELATED RESTRICTIONS FOR CITY CONTRACTORS AND PROVIDING ADDITIONAL PENALTIES RELATING TO ABORTION-INDUCING DRUGS AND THE TRANSPORTING OR DISPOSING OF THE REMAINS OF AN UNBORN CHILD KILLED BY AN ELECTIVE ABORTION, MAKING VARIOUS PROVISIONS AND FINDINGS, AND ESTABLISHING AN EFFECTIVE DATE.

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

**A. FINDINGS**

The City Council finds that:

- (1) 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.
- (2) Human life, beginning at conception and continuing until natural 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 tragedies.
- (3) No person, corporation, or entity entering into a contract with, or receiving a grant from, the City of Amarillo should be conducting business with any person, corporation, or entity seeking to end the lives of unborn children through elective abortions.
- (4) To protect the health and welfare of all residents within the city of Amarillo, including the unborn, the city council finds it necessary to add these abortion-related restrictions and prohibitions within the city of Amarillo. *See* Tex. Local Gov't Code §§ 54.001(b)(1); Tex. Local Gov't Code §§ 54.004; and Tex. Gov't Code § 311.036(b).

**B. AMENDMENTS TO CITY CODE**

Chapter 8-6 of the Amarillo Code of Ordinances is amended by the following provisions:

**Sec. 8-6-12. Abortion-Related Restrictions on City Contractors**

(a) No person, corporation, or entity that enters into a contract with the city of Amarillo, or that enters into a subcontract with a contractor of the city of Amarillo, or that receives any grant or funding from the city of Amarillo may:

(1) Pay for, reimburse, or subsidize in any way the costs associated with an elective abortion, regardless of the person upon whom the elective abortion is performed, regardless of where the elective abortion is performed, and regardless of the law of the jurisdiction in which the elective abortion is performed, including by engaging in any of the following acts:

- (A) Providing coverage of elective abortions as an employee benefit;
- (B) Paying for, reimbursing, or subsidizing the travel costs associated with obtaining an elective abortion, or covering those costs as an employee benefit;
- (C) Donating or lending money, digital currency, resources, or any other thing of value to an abortion provider, abortion fund, or an affiliate or an abortion provider, either directly or by laundering the donation or loan through an intermediary;
- (D) Offering, providing, or lending money, digital currency, resources, or any other thing of value with the knowledge that it will be used to pay for, offset, or reimburse the costs of an elective abortion or the costs associated with procuring an elective abortion;
- (E) Performing or providing any type of work or services for an abortion provider, abortion fund, or an affiliate of an abortion provider, regardless of whether such work or services is done on a paid, contract, or volunteer basis, apart from the provision of basic public services, including fire and police protection and utilities, by a governmental entity or a common carrier to an abortion provider, an abortion fund, or an affiliate of an abortion provider in the same manner as the entity provides the services to the general public; or
- (F) Paying, offering to pay, or providing insurance that covers the legal expenses or court judgments or settlements of those who violate the abortion laws of the United States, or the abortion laws of any state, local, or foreign jurisdiction; or

(2) Engage in any conduct that would make one an accomplice to an elective abortion under the principles of complicity set forth in section 7.02 of the Texas Penal Code, regardless of the person upon whom the elective abortion is performed, regardless of where the elective abortion is performed, and regardless of the law of the jurisdiction in which the elective abortion is performed;

(b) No person, corporation, or entity may enter into a contract with the city of Amarillo or any of its subdivisions, or enter into a subcontract with a contractor with the city of Amarillo or any of its subdivisions, or receive any grant or funding from the city of Amarillo or any of its subdivisions, unless it certifies in writing that it is complying and will comply with each of the requirements in subsection (a).

(c) This section shall apply extraterritorially, but only to the maximum extent permitted by the Constitution of the United States and the Texas Constitution and no further.

**Sec. 8-6-13. Civil 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;
- (3) Engage in any conduct that would make one an accomplice to the conduct described in subsections (a)(1) and (a)(2) under the principles of complicity set forth in section 7.02 of the Texas Penal Code.

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

- (1) speech or conduct protected by the First Amendment of 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;

(7) conduct taken by a licensed medical professional that is necessary to perform, induce, or facilitate an abortion in response to a medical emergency, or to ensure that the licensed medical professional is prepared to perform, induce, or facilitate an abortion in response to a medical emergency, so long as that conduct is not in any way intended to facilitate an elective abortion.

(d) A violation of this subsection shall constitute a misdemeanor punishable by a fine of \$2,000.00 and revocation of any business license issued by the city of Amarillo.

(e) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty or civil liability under this section.

**Sec. 8-6-14. Civil 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.

(b) A violation of this subsection shall constitute a misdemeanor punishable by a fine of \$2,000.00 and revocation of any business license issued by the city of Amarillo.

(c) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty or civil liability under this section.

**EFFECTIVE DATE**

This ordinance shall go into immediate effect upon majority vote within the city of Amarillo city council meeting.

PASSED, ADOPTED, SIGNED and APPROVED,

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Mayor of the City of Amarillo, Texas

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City Secretary of the City of Amarillo, Texas

**DRAFT COPY - VERSION B**

FURTHER ATTESTED BY "WE THE PEOPLE", THE CITIZENS and  
WITNESSES TO THIS PROCLAMATION, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
THE YEAR OF OUR LORD \_\_\_\_\_.

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

DRAFT