

Resolution No. 446-2023

By Council Members Howse, Maurer, Spencer, Santana, Gray, Griffin, Bishop, Conwell, Hairston, Harsh, Jones, Kazy, Kelly, McCormack, Polensek, Slife, Starr

AN EMERGENCY RESOLUTION

Opposing Ohio Attorney General Dave Yost for signing the letter from Republican attorneys general to CVS and Walgreens warning against dispensing and mailing abortion pills and rebuking Walgreens for bowing to political pressure and declaring it will not dispense certain abortion pills in Ohio.

WHEREAS, recently, the Federal Drug Administration made a regulatory change allowing retail pharmacies to dispense in stores or through the mail an abortion-inducing pill mifepristone; previously, the drug could only be dispensed in clinics; and

WHEREAS, mifepristone is the first of a two-drug regimen that is used in many first-trimester abortions; and

WHEREAS, Ohio Attorney General Dave Yost, along with 20 other Republican attorneys general, sent a warning letter to Walgreens and CVS claiming that dispensing and mailing mifepristone is against federal and state law; and

WHEREAS, the federal law referred to is the 1873 Comstock Act that generally prohibits “mailing obscene or crime-inciting matter”, including items that may be used in abortion; and

WHEREAS, this 19th century federal law has not been enforced in decades; the Department of Justice argues that the Act does not ban mail delivery of mifepristone because courts have narrowed the scope of the law; and

WHEREAS, the Ohio law that Attorney General Yost claims prohibits sale of mifepristone by pharmacies is SB 260 which bans telemedicine if used to receive medication abortion; however, enforcement of this law is blocked due to ongoing litigation; and

WHEREAS, the letter to the pharmacies threatens civil litigation by state attorneys general or private citizens; and

WHEREAS, Walgreens, bowing to political pressure, has declared that it “does not intend to dispense Mifepristone within”, or ship the drug into, any of the 20 signatory states, including Ohio, a decision that intrudes on family healthcare and bodily autonomy; and

WHEREAS, the women of Ohio are entitled to bodily autonomy and to make their own healthcare decisions in consultation with their families and medical providers; the right of a woman to a safe, legal abortion must not be infringed.; and

WHEREAS, with medication abortions there are no invasive procedures and they usually happen at home without needing to go to a hospital or clinic; in 2021, over half of abortions in Ohio were induced with medication; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council opposes Ohio Attorney General Dave Yost for signing the letter from Republican attorneys general to CVS and Walgreens warning against dispensing and mailing abortion pills.

Section 2. That this Council rebukes Walgreens for bowing to political pressure and declaring it will not dispense certain abortion pills in Ohio.

Section 3. That the Clerk is directed to send copies of this resolution to Governor Mike DeWine, Attorney General Dave Yost, and to all members of the Ohio General Assembly.

Section 4. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

