

Ordinance Ensuring Safe Access to Legally-Protected Health Care – Fact Sheet

What is the purpose of this Ordinance?

To codify protections for those accessing legally protected health care services including reproductive care, abortion, and gender-affirming health care and to prohibit the City from assisting any person or jurisdiction in litigation, prosecution, or extradition targeting anyone who has received such services.

Definitions

The definitions for key terms are outlined in this section. These definitions are primarily taken from the state statute, specifically Chapter 127 of the Acts of 2022. The only exception is for “City agent,” which in the ordinance applies to City employees, interns and volunteers, contractors, and recipients of City funding.

Policy (a)

Affirmatively declares that information the City or any City agent may possess related to the provision of legally protected health care services to any person – including persons who are not Salem residents – is considered by the City to be exempt information from public records requests.

Policy (b)

Prohibits City agents from assisting any person or jurisdiction in actions targeting any person for having received legally protected health care services, and for any City resources to be used for the same.

Policy (c)

Prohibits City agents from assisting any person or jurisdiction in “abusive litigation,” which is defined as litigation targeting a person who provides or receives legally protected health care services in the Commonwealth, and for any City resources to be used for the same.

Policy (d)

Prohibits the Salem Police Department from holding any person, regardless of residency or citizenship, for having accessed or provided any legally protected health care service.

Policy (e)

Prohibits the Salem Police Department from extraditing to other jurisdictions any person held in their custody if the extradition is sought for that individual having accessed or provided a legally protected health care service.

Violations

Depending on the violator, violations are either (a) progressive discipline, if an employee, (b) potential termination of contract, if a contractor, or (c) cessation and repayment of City funds, if a funding recipient. All violators would also be subject to the regular schedule of fines provided for non-criminal ordinance dispositions (1st offense: \$50, 2nd offense: \$150, 3rd offense: \$300).