

Warrant Article Questionnaire Citizen Petitions Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 31	Date Form Completed: 9/8/2023
Article Title: Safe & Fair Reproductive & Gender Affirming Care Access By-Law	
Sponsor Name: Cody Jacobs	Email: cjacobsnatick@gmail.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	See attached.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	<p>The purpose of this Article is to enact a “shield” law in Natick that would prohibit the town from sharing information or using town resources to help out-of-state actors attempt to criminally sanction or impose civil liability on someone for exercising their rights under Massachusetts law to receive reproductive or gender affirming healthcare services here or helping someone receive those services. Some states’ Attorneys General are explicitly and actively exploring ways to do this. (Recent news coverage in Boston Globe, Alabama.Com)</p> <p>Many anti-choice and anti-trans states have enacted extremely aggressive laws that attempt to punish people for exercising these rights in other jurisdictions (e.g. Texas’ abortion “bounty hunter” law; Oklahoma’s “aiding and abetting” law). This by-law would protect Natick residents and visitors to Natick from these efforts by prohibiting Natick employees from sharing any information they may have that might aid in these efforts.</p>
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	I personally gain nothing that I am aware of other than the same general benefits and protections that every resident and visitor would gain from having this protection in place.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	In 2022, the Supreme Court of the United States decided <i>Dobbs v. Jackson Women’s Health Organization</i> . With that decision, the Supreme Court overturned 50 years of precedent by holding that the constitution does not protect the right to choose to have an abortion, even at

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	<p>the earliest stages of pregnancy. That decision led to a flood of state laws either outlawing abortion entirely or severely limiting it to very narrow circumstances.</p> <p>At the same time, the severe undermining of federal bodily autonomy rights that <i>Dobbs</i> signaled accelerated an existing trend of state legislatures passing laws that either prohibited or severely limited the availability of gender affirming healthcare, particularly for children.</p> <p>But some states have gone beyond merely prohibiting these forms of healthcare in their own states—many have passed or are considering laws that purport to police conduct occurring outside their borders. For example, Texas, Idaho, and Oklahoma law allows private individuals to sue anyone who “aids and abets” another person in seeking an abortion regardless of whether the person providing the aid is a resident or whether the abortion occurred out of state. This could potentially criminalize conduct that is legal and protected in Natick, including provision of telehealth/ telemedicine in those states.</p> <p>For this reason, on the day the Supreme Court ruled in <i>Dobbs</i>, Governor Charlie Baker signed Executive Order No. 600, Protecting Access to Reproductive Health Care Services in the Commonwealth. (Essentially, a shield law via executive order). In July of 2022, Massachusetts passed a state law, Mass. G.L. ch. 147 § 63, that prohibits state employees and any police officer from cooperating with attempts by other states and private individuals from those states to enforce these laws against people who seek reproductive and gender affirming care in Massachusetts.</p> <p>While that law applies to police, it does not explicitly apply to other municipal employees. For that reason, many municipalities in Massachusetts have begun to consider—and some have enacted-- “shield” laws that add an extra layer of protection by reiterating the requirements of state law and expanding those protections to cover all municipal employees. This Article asks Natick to join those municipalities and take a strong stand for freedom and bodily autonomy by protecting our residents, visitors, and employees from these regressive laws.</p>
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	<p>This motion does not conflict with any existing town bylaws and has no financial impact. It is consistent with Natick’s equity and inclusion goals. Natick having any role in facilitating the enforcement of these anti-choice and/or anti-trans laws would be inconsistent with these goals and this is an opportunity to be a leader (though not the first) in the Commonwealth on this issue.</p> <p>Mass. G.L. ch. 147 § 63 prohibits law enforcement from providing information or assistance to anyone seeking to enforce these laws for conduct occurring in Massachusetts that is both legal</p>

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	<p>and protected healthcare here. This motion is consistent with that law and simply reiterates its requirements.</p> <p>Also relevant is Mass. G.L. ch. 4 § 7(26)(c), which exempts from Massachusetts’ public records law “personnel and medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.” Note that this provision does not actively <i>protect</i> this information, rather it merely allows covered government entities (including municipalities) not to produce it in response to a public records request. This motion references that provision as justification for withholding information about reproductive and gender affirming care in response to any public records act request.</p>
6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> ● Town infrastructure (traffic, parking, etc.) ● Neighbors (noise, traffic, etc.); ● Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
Response	<p>There is unlikely to be a significant impact of the type contemplated by this question. However, to the extent there is an impact, it would be a positive one by drawing attention to Natick as a place that supports bodily autonomy rights.</p>
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	<p>The Town Administrator would ultimately be responsible for “enforcing” this by-law, though that responsibility may also fall to the Superintendent of Schools in the case of school employees. In another sense, it would be the responsibility of every employee individually to follow the law and those with supervisory responsibility to make sure that the employees they supervise do so as well.</p> <p>The Town Administrator has been consulted, including with respect to the specific language in the motion which has been modified to address some implementation concerns that he raised.</p>

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	<p>The Director of the Department of Public Health was also consulted. While that department would not have any enforcement responsibilities under this motion (beyond that applicable to every town department and employee), since this is a public health issue it made sense to seek his input.</p> <p>I have also sought review from Town Counsel through the Town Administrator. So far I haven't heard back, but we are certainly open to any feedback Town Counsel provides whenever she is able to review the motion text.</p>
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> ● Interested parties were notified in a timely way and had a chance to participate in the process, that ● Appropriate town Boards & Committees were consulted ● Required public hearings were held
Response	See above. Since this is not a zoning article, it may proceed through the regular warrant article process.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	See responses above. This is critical and timely. The states criminalizing reproductive health care and gender affirming healthcare will continue to be more aggressive and creative in finding new ways to punish conduct that is legal and protected in Massachusetts. At the same time, Natick is within driving distance to some of the best healthcare in the world making it a prime destination for out of state patients seeking these services. In addition, there are many healthcare providers, mental health counselors, and other health professionals in Natick who may at some point engage in telemedicine/ teletherapy in states where discussion of reproductive health care could be considered "aiding and abetting" an abortion. We need to act now to ensure Natick is protected and stands up for our rights.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	<p>Yes. As mentioned above, in meeting with the Town Administrator, he identified a few issues related to the implementation that could be raised by the motion as I originally drafted it. Specifically, he raised two issues which we have addressed:</p> <p>(1) The original draft had a section requiring the Town Administrator to discipline employees who violated the provisions of the motion. The Town Administrator raised a concern</p>

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	<p>about employees that he does not oversee in the School Department as well as other complications related to who is responsible for discipline and oversight for different employees. Ultimately, we resolved this problem by removing this section entirely.</p> <p>(2) The Town Administrator raised concerns about employees getting into trouble for unknowingly providing information that may be used to enforce one of these anti-choice or anti-trans laws. We addressed this problem by adding the word “knowingly” in relevant places to reflect our intent that this would only cover a situation where the town employee in question would have some reason to know that the information would be used for those purposes.</p>
11	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	<p>Somerville, Brookline, and Salem have all adopted similar ordinances or by-laws.¹ The language in this motion is nearly identical to the laws that are currently on the books in Brookline and Salem, with the exceptions of the changes we made described in response to the previous question.</p> <p>Many other municipalities are actively considering similar laws including Worcester and Northampton.</p>
12	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.
Response	<p>There would probably be no consequences to me personally. However, the town residents and visitors could face grave consequences. The penalties for violating some of these anti-choice and anti-trans laws are very harsh including many years of prison time and/or crippling fines. A rejection of this Article would also send a loud message that Natick is not a safe place to reside or visit, or engage in health professions utilizing telemedicine.</p>

¹ There may be others as well. These are just the three we could confirm at the time of submitting this form.