



# ORDINANCE COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

Tuesday, December 6, 2022

3:00 PM

Sullivan Chamber  
795 Massachusetts Avenue  
Cambridge, MA 02139

The Ordinance Committee will hold a public meeting to continue the discussion of Banning Limited Services Pregnancy Centers, Ordinance #2022-16

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:04 PM
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council’s Ordinance Committee was held on Tuesday, December 6, 2022. The meeting was Called to Order at 3:00 p.m. by the Chair, Councillor McGovern. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

- City Clerk LeBlanc called the roll.
- Councillor Azeem – Present/Remote
- Councillor Carlone - Present
- Vice Mayor Mallon – Present
- Councillor McGovern – Present
- Councillor Nolan – Present
- Councillor Simmons – Present/Remote
- Councillor Toner – Absent \*
- Councillor Zondervan – Present
- Mayor Siddiqui – Present/Remote
- Present – 8, Absent – 1. Quorum established.

\*Councillor Toner joined at 3:04 p.m. and was remote.

The Chair, Councillor McGovern noted that the call of the meeting was to continue the discussion of Limited Services Pregnancy Centers, proposed Ordinance #2022-16.

Minutes Acceptance: Minutes of Dec 6, 2022 3:00 PM (Committee Reports)

The Chair, Councillor McGovern, recognized Vice Mayor Mallon who thanked City Council members and Law Department staff for working on the new draft language and noted that Nancy Glowa, City Solicitor, was present at the meeting. The Vice Mayor commented that she looked forward to discussing the new language and moving it forward to the full City Council with a positive recommendation for their review and vote.

The Chair, Councillor McGovern recognized Councillor Zondervan, who thanked Vice Mayor Mallon and the Law Department for their work on drafting new language.

**The Chair, Councillor McGovern opened Public Comment.**

**Public Comment**

Alma Conway, 64 Linnaean Street, Cambridge, MA, spoke against the proposed ordinance.  
 Diane O'Toole, 120 Lincoln Street, Cambridge, MA, spoke against proposed ordinance.  
 Owen Smitherman, 12 Arizona Terrance, Arlington, MA, spoke against the proposed ordinance.  
 Leslie Wood, 214 Northampton Street, spoke against the proposed ordinance.  
 Leonard Rizy spoke on the proposed ordinance.

The Chair, Councillor McGovern recognized City Solicitor Glowa who spoke briefly and said she was available for any questions.

The Chair, Councillor McGovern recognized Vice Mayor Mallon for comments and questions. Franziskus Lepionka, Assistant City Solicitor, outlined the changes that were made in this version versus the previous version.

The Chair, Councillor McGovern recognized Councillor Nolan who stressed how important choices are and noted that not all centers offer choices, and that people have the right to have accurate information.

The Chair, Councillor McGovern thanked the Vice Mayor, Councillor Zondervan and the Law Department for their work and offered comments in support of the proposed revised language prepared by the Law Department.

The Chair, Councillor McGovern recognized Councillor Toner who had a clarifying question for the City Solicitor about abortions and if centers can council for or against abortion. City Solicitor Glowa responded noting that centers should not have deceptive advertising that could be false or misleading.

The Chair, Councillor McGovern recognized Vice Mayor Mallon who offered comments stressing how important time is for people who are pregnant and considering their options.

**The Chair, Councillor McGovern made a motion to close public comment.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**

**Councillor Carlone – Yes**

**Vice Mayor Mallon – Yes**

**Councillor McGovern – Yes**

**Councillor Nolan – Yes**

**Councillor Simmons – Yes**

**Councillor Toner – Yes**

**Councillor Zondervan – Yes**

**Mayor Siddiqui – Yes**  
**Yes – 9, No –0. Motion passes.**

**The Chair, Councillor McGovern recognized Vice Mayor Mallon who made a motion to amend proposed ordinance # 2022-16 by substitution with the language provided the Law Department. Clean copy attached as Attachment A.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**  
**Councillor Carlone – Yes**  
**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Simmons – Yes**  
**Councillor Toner – Yes**  
**Councillor Zondervan – Yes**  
**Mayor Siddiqui – Yes**

**Yes – 9, Absent – 0. Motion passes.**

**The Chair, Councillor McGovern recognized Vice Mayor Mallon who made a motion to send proposed ordinance #2022-16, Crisis Pregnancy Centers as amended to the full City Council with a favorable recommendation to pass to a second reading.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**  
**Councillor Carlone – Yes**  
**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Simmons – Yes**  
**Councillor Toner – Yes**  
**Councillor Zondervan – Yes**  
**Mayor Siddiqui – Yes**

**Yes – 9, Absent – 0. Motion passes.**

**The Chair, Councillor McGovern recognized Vice Mayor Mallon for a motion to adjourn.**

**City Clerk LeBlanc called the roll.**

**Councillor Azeem – Yes**  
**Councillor Carlone – Yes**  
**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Simmons – Yes**  
**Councillor Toner – Yes**  
**Councillor Zondervan – Yes**  
**Mayor Siddiqui – Yes**

**Yes – 9, Absent – 0. Meeting was adjourned at approximately 3:38p.m.**

Attachments:

Attachment A, Proposed Ordinance #2022-16 As Amended

The City Clerk's Office received one written communication (ATTACHMENT #?).

**Clerk's Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/369?view\\_id=1&redirect=true&h=006f9ea892b036c6c4b52d448c307775](https://cambridgema.granicus.com/player/clip/369?view_id=1&redirect=true&h=006f9ea892b036c6c4b52d448c307775)

All meetings are "closed captioned". After each meeting the "closed captioned transcripts" are available online at: <https://app.box.com/s/9qormcahynjt4pzpt1n5opixog13q7k5>

Please note that there is no editing of these "closed captioned transcripts" and they do not constitute a verbatim transcript prepared by a certified transcriber.

**A communication was received from Nancy Glowa, City Solicitor, transmitting: 1) Council Ord Rsp Ltd Svs Preg Ctrs 12-6-22 and 2) Council Ord Rsp Ltd Preg Ctrs Ordinance 12-6-22.**

## ATTACHMENT A

### PROPOSED ORDINANCE #2022-16 AS AMENDED

#### CRISIS PREGNANCY CENTERS

That Chapter 5 of the Cambridge Municipal Code be amended by inserting the following section:

#### 5.60 - Crisis Pregnancy Centers

##### 5.60.010 - Purpose

(1) It is the intent of this Ordinance to allow crisis pregnancy centers operating in compliance with this Ordinance to counsel against abortion and/or emergency contraception. It is not the intent of this Ordinance to regulate, curtail, or limit such advocacy.

(2) After carefully balancing Massachusetts's constitutional protection of the right of an individual to terminate a pregnancy or use emergency contraception, the right of individuals to express their religious and ethical beliefs about abortion and/or emergency contraception, and the harm to an individual resulting from delays caused by deceptive practices that falsely advertise to pregnant clients abortion services or referrals and unbiased counseling, the City of Cambridge has determined that there exists a need to regulate deceptive advertising practices by crisis pregnancy centers.

(3) The Commonwealth of Massachusetts has not enacted a specific statute regulating deceptive advertising practices by crisis pregnancy centers. Therefore, there is no conflict between this Ordinance and state law.

##### 5.60.020 – Definitions

The following definitions shall apply to this article:

(1) **Abortion** means the termination of a pregnancy for purposes other than producing a live birth. "Abortion" includes, but is not limited to, a termination of a pregnancy using pharmacological agents.

(2) **Client** means an individual who is inquiring about or seeking pregnancy-related services at a pregnancy services center.

(3) **Clinical laboratory services** means the microbiological, serological, chemical, hematological, biophysical, cytological or pathological examination of materials derived from the human body for the purpose of obtaining information for the diagnosis, prevention or treatment of disease or the assessment of a health condition.

(4) **Comprehensive reproductive healthcare services** include the following services and/or counseling about these services: birth control, emergency contraception, pregnancy, testing, pregnancy options counseling, pregnancy and infertility services, abortion, breast cancer screening, PAP and HPV tests, HPV vaccination, diagnosis and treatment of period

related issues, diagnosis and treatment of yeast infection or urinary tract infection issues, STD testing, and HIV testing and PrEP.

(5) **Crisis pregnancy center** means a pregnancy services center that does not provide comprehensive reproductive healthcare services because it does not directly provide, or provide referrals for, abortions or emergency contraception.

(6) **Deceptive advertising practice** means any statement, including but not limited to false and misleading advertising, with a tendency to deceive that could cause an individual to act differently than they would have acted and is used to solicit patronage of a crisis pregnancy center.

(7) **Emergency contraception** means one or more prescription drugs: a) used separately or in combination for the purpose of preventing pregnancy; b) administered to or self-administered by a patient within a medically recommended amount of time after sexual intercourse; c) dispensed for such purpose in accordance with professional standards of practice; and d) determined by the United States Food and Drug Administration to be safe for such purpose.

(8) **Health information** means any oral or written information in any form or medium that relates to health insurance or the past, present, or future physical or mental health or condition of a client. Licensed health care provider means a person licensed under the provisions of federal or state law to provide health care or other medical services.

(9) **Pregnancy-related service** means any medical or health counseling service related to pregnancy or pregnancy prevention, including, but not limited to, contraception and contraceptive counseling, pregnancy testing, pregnancy diagnosis, pregnancy options counseling, obstetric ultrasound, obstetric sonogram, and prenatal care.

(10) **Pregnancy services center** means a facility, including a mobile facility, the primary purpose of which is to provide services to clients who are or have reason to believe they may be pregnant and that either: a) offers obstetric ultrasounds, obstetric sonograms, pregnancy testing or diagnosis or prenatal care to pregnant clients, or; b) has the appearance of a medical facility by virtue of having two or more of the following factors present: (i) Staff or volunteers who wear medical attire and uniforms; (ii) one or more examination tables; (iii) a private or semiprivate room or area containing medical supplies or medical instruments; (iv) staff or volunteers who collect health information from clients; or (v) the facility is located on the same premises as a licensed health care facility or licensed health care provider or shares facility space with a licensed health care provider.

(11) **Prenatal care** means services consisting of a physical examination, pelvic examination or clinical laboratory services provided to a client during pregnancy.

(12) **Reproductive healthcare clinic** means a facility that provides comprehensive reproductive healthcare services.

#### 5.60.030 - Deceptive Advertising Practices.

No Crisis Pregnancy Center, with the intent to perform a Pregnancy-related Service, shall make or disseminate before the public, or cause to be made or disseminated before the public, in any newspaper or other publication, through any advertising device, or in any other manner, including, but not limited to, through use of the Internet, any statement concerning any

Pregnancy-related Service and/or Comprehensive Reproductive Healthcare Service or the provision of any Pregnancy-related Service and/or Comprehensive Reproductive Healthcare Service that is a Deceptive Advertising Practice, whether by statement or omission, and that a Crisis Pregnancy Center knows or reasonably should know to be a Deceptive Advertising Practice.

#### **5.60.0 - Enforcement.**

- (1) Any violation of this Ordinance shall be subject to a fine of up to \$300.00 for each violation. Each day a violation exists shall constitute a separate violation.
- (2) Fines pursuant to this Ordinance may be issued pursuant to the non-criminal ticketing procedure in G.L. c. 40, § 21D. The License Commission shall be the enforcement officials for this Ordinance.
- (3) Whenever any Crisis Pregnancy Center submits an application to the City Clerk's Office for a business certificate and/or operates a location in the City of Cambridge and, in connection with such use or proposed use, engages in a Deceptive Advertising Practice that interferes or will interfere with the exercise or enjoyment of Massachusetts's constitutional protection of the right of an individual to terminate a pregnancy or use emergency contraception, then the City of Cambridge may bring a civil action for injunctive or other appropriate equitable relief. Said civil action shall be brought in the name of the City of Cambridge and shall be instituted in Middlesex Superior Court.

#### **5.60.050 – Severability.**

The provisions of this Ordinance are severable, and if any part of this Ordinance should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the Ordinance, and the remainder of the Ordinance shall remain in full force and effect.