



# KEY POINTS FACT SHEET

## FOR THE PROPOSED ALBANY, TEXAS SANCTUARY CITY FOR THE UNBORN ORDINANCE (03-19-2025)

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1. Since June 11, 2019, a total of seventy and eight counties across seven different states have passed ordinances going as far as they can to prohibit abortion within their jurisdiction. Fifty-three of these cities and six of these counties are in the State of Texas. Of these fifty-three cities, eighteen are home rule cities and thirty-five are general law cities. Forty-eight cities in Texas have passed their ordinances through the standard way ordinances are passed in the State of Texas – through a vote by their city council. Five Texas cities have passed the ordinance by a vote of their citizenry through their city charter’s citizen initiative petition process. Those five cities are: Lubbock (pop. 264,000), Athens (pop. 13,121), Abilene (pop. 124,407), San Angelo (pop. 101,612), and Plainview (pop. 22,343). As a general law city, the citizen initiative process is not available to the City of Albany, meaning that the only avenue for the passage of such an ordinance would be through a vote of their city council.
  
  2. During the 86th Legislative Session, the State of Texas prohibited any political subdivision in the State of Texas from using taxpayer dollars to fund any abortion provider or any affiliate of an abortion provider. In the prohibition the State Legislature made clear that the law may not be construed to restrict a municipality or county from prohibiting abortion. *See* Tex. Gov’t Code § 2273.005. (“This chapter may not be construed to restrict a municipality or county from prohibiting abortion.”). During the 87th Legislative Session, the State of Texas explicitly allowed municipalities and counties to outlaw and prohibit abortion, and to establish penalties and remedies against those who perform or enable unlawful abortions. *See* Tex. Gov’t Code § 311.036(b) (“A statute may not be construed to restrict a political subdivision from regulating or prohibiting abortion in a manner that is at least as stringent as the laws of this state unless the statute explicitly states that political subdivisions are prohibited from regulating or prohibiting abortion in the manner described by the statute.”) While the Texas Attorney General’s Office has stated that cities could always do this (*See Planned Parenthood v. City of Lubbock, 2021*), the passage of this provision in SB 8 (*The Texas Heartbeat Act*) made it explicitly clear that cities and counties had such authority.
  
  3. In August 2023, Texas Senators and Representatives penned a letter in support of cities and counties passing ordinances outlawing abortion across the State of Texas. That letter read, *“Currently there are over 50 political subdivisions in Texas which have passed local ordinances prohibiting abortion within their jurisdictions. As elected officials who voted for state legislation allowing these local actions, we are thrilled to see this wave of pro-life action at the local level and hope to see these ordinances continue to spread across our state – even in a post-Roe Texas. While it is true that abortion is outlawed in the entire State of Texas, from the point of conception, our work is far from over. Right now, throughout the State of Texas, women are being trafficked across our borders by abortion traffickers funded by abortion trafficking organizations still operating in our state. As a result, these women are being abused and traumatized by abortion across our*

*Texas–New Mexico border and sent back to Texas for our cities and counties to deal with the aftermath taking place in our homes, our schools, our churches, and our hospitals. The Sanctuary for the Unborn ordinances seek to protect these institutions by putting safeguards in place to protect men, women, and their children for years to come. These ordinances, which seek to close as many loopholes as possible, do not penalize women who seek or undergo abortions, but places the penalty on the party who most deserves it – the abortionist and the industry profiting from the unjust procedure, including abortion traffickers.”*

4. The proposed Albany Sanctuary City for the Unborn (SCFTU) Ordinance would be enforced the same way the Texas Heartbeat Act is enforced, through a private enforcement mechanism. This mechanism proved to be successful by shutting down half of the abortions in the State of Texas. The Lubbock SCFTU Ordinance, which also was enforced by the same private enforcement mechanism, shut down elective abortions entirely in their city from the point of conception. Both the Lubbock SCFTU Ordinance and the Texas Heartbeat Act survived court challenges and are still in effect today. Written the same way, the proposed Albany SCFTU Ordinance reads: “Any person, other than the city of Albany, and any officer or employee of the city, has standing to bring and may bring a civil action against any person or entity that: violates any provision of Sections 2, 3, 4, 5, 6, or 7; or intends to violate any provision of Sections 2, 3, 4, 5, 6, or 7.” Actions taken against those in violation of the proposed ordinance may be brought up to six years from the date of the violation. The ordinance is also clear that no action may be brought against the woman upon whom the abortion was performed or induced or attempted to be performed or induced in violation of this ordinance.

5. The proposed ordinance was written by Mark Lee Dickson and Attorney Jonathan F. Mitchell. Dickson and Mitchell have written more than one-hundred ordinances for cities and counties throughout the United States and have seen the passage of over seventy such ordinances. Jonathan F. Mitchell is a constitutional attorney who clerked for Supreme Court Justice Antonin Scalia, served as the Solicitor General of Texas, and is the architect of the Texas Heartbeat Act. While no litigation is expected, Mitchell has provided a letter to the City of Albany offering to represent the city at no cost to the city or taxpayers for any litigation that may arise from the passage of the proposed ordinance.

6. The proposed Albany SCFTU Ordinance puts into place six provisions. These provisions (1) prohibit performing elective abortions and aiding or abetting elective abortions within the city limits of Albany, (2) prohibit elective abortions on residents of Albany – regardless of where the abortion takes place, (3) prohibit abortion trafficking, (4) prohibit abortion-inducing drugs, (5) prohibit criminal organizations from doing business inside the city limits of Albany, and (6) prohibit the transport and disposal of the remains of unborn children killed by an elective abortion by abortion providers outside of the State of Texas from being brought through or disposed of in the City of Albany.

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For more information, visit [www.sanctuarycitiesfortheunborn.com](http://www.sanctuarycitiesfortheunborn.com). Mark Lee Dickson can be contacted by phone at 806-598-1919, by email at [markleedickson@gmail.com](mailto:markleedickson@gmail.com), or through his website [www.markleedickson.com](http://www.markleedickson.com).