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Idaho universities disallow abortion, contraception referral

Rebecca Boone
ASSOCIATED PRESS

BOISE, Idaho – Idaho universities are warning staffers not to refer students to abortion providers, and at least one public university is barring employees from telling students how to obtain emergency contraception or birth control as well. It's the latest restriction in a state that already holds some of the strictest abortion laws in the nation.

"This is going to have a very broad impact," said Mike Satz, an attorney and former faculty member and interim dean at the University of Idaho's College of Law. "It's going to have a very strong chilling effect on free speech and it's going to scare people. I'm afraid it's going to scare people from going to school here or sending their kids to school at Idaho institutions."

The prohibition against referring students to abortion providers or "promoting" abortion in any way comes from the "No Public Funds for Abortion Act," a law passed by Idaho's Republican-led Legislature in 2021. Boise State University, like the University of Idaho, told faculty members in a newsletter earlier this month that they could face felony charges for violating the law. Idaho State University did not respond to phone messages from The Associated Press asking if it had issued similar guidance.

The law also bars staffers and school-based health clinics from dispensing or telling students where to obtain emergency contraception, such as the Plan B pill, except for in cases of rape. Emergency contraception drugs prevent pregnancy from occurring and do not work in cases where someone is already pregnant.

The University of Idaho's guidance released Friday

goes a step further, also warning employees about a law written in 1867, 23 years before Idaho became a state. That law prohibits dispensing or "advertising" abortion services and birth control – leading to UI's advice that condoms be distributed only to prevent sexually transmitted diseases, but not to prevent pregnancy.

It's not yet clear how the law barring "advertising or promoting" abortion and birth control services could impact students or other state employees who may use state-owned computers or wireless networks to share information about how to access reproductive health care on Instagram or other social media sites. Scott Graf, a spokesman for Idaho Attorney General Lawrence Wasden, said his office planned to discuss the guidance given to university staffers and the abortion laws in an internal call Tuesday morning.

Jodi Walker, spokeswoman for the University of Idaho, said the university follows all laws and said UI officials were still "working through some of the details."

"This is a challenging law for many and has real ramifications for individuals in that it calls for individual criminal prosecution," she said of the public funds law. "The section does not specify what is meant by promoting abortion, however, it is clear that university employees are paid with public funds. Employees engaging in their course of work in a manner that favors abortion could be deemed as promoting abortion."

Abortion can still be discussed as a policy issue in classrooms, Walker said, but the university recommends that the employees in charge of the class "remain neutral or risk violating this law."

"We support our students and employees, as well as

academic freedom, but understand the need to work within the laws set out by our state," she said.

But that could be nearly impossible, said Satz. Both the University of Idaho and Boise State University rely on grants to fund major research and academic projects, and the federal government is among the largest sources of those grants. The federal government also provides abortions through the Veteran's Administration, Satz noted, and the "No Public Funds for Abortion Act" bars the state from contracting with abortion providers.

Idaho's lawmakers could fine-tune the laws to ensure they don't violate 1st Amendment free speech rights or lead to major funding losses, but the deeply conservative state Legislature isn't scheduled to meet again until January.

Boise State's advisory to employees noted that abortion-producing medications or procedures can still be prescribed if they are used to remove a dead fetus caused by spontaneous abortion, to treat an ectopic pregnancy or to "save the life or preserve the health of the unborn child." But some of those scenarios are gray areas under other state laws criminalizing abortions, including one targeted in a U.S. Department of Justice federal lawsuit against the state of Idaho.

Idaho isn't the only state where employees have been cautioned not to give abortion advice. In the summer, librarians in Oklahoma City were warned against using the word "abortion," though that changed after the city's library team reviewed the laws. Still, social workers, clergy members and others have raised concerns in Oklahoma about being exposed to criminal or civil liability just for discussing abortions.

Teen interest in long-lasting birth control soars post-Roe

Heather Hollingsworth
and Arleigh Rodgers
ASSOCIATED PRESS

Sixteen-year-old Adismarys Abreu had been discussing a long-lasting birth control implant with her mother for about a year as a potential solution to increasing menstrual pain.

Then Roe v. Wade was overturned, and Abreu joined the throng of teens rushing to their doctors as states began to ban or severely limit abortion.

"I'm definitely not ready to be pregnant," said Abreu, who had Nexplanon – a reversible, matchstick-sized contraceptive – implanted in her arm in August. Her home state of Florida bans most abortions after 15 weeks, and not having that option is "such a scary thought," she said.

Experts say the U.S. Supreme Court's June ruling appears to be accelerating a trend of increased birth control use among teens, including long-acting reversible forms such as intrauterine devices and implants. Appointments have surged and Planned Parenthood has been flooded with questions as doctors report demand even among teens who aren't sexually active.

Some patients are especially fearful because the new abortion laws in several states don't include exceptions for sexual assault.

"Please, I need some birth control in case I get raped," patients tell Dr. Judith Simms-Cendan, a pediatric-adolescent gynecologist in Miami, where state law does not provide exceptions for rape or incest after 15 weeks.

Simms-Cendan, the president-elect of the North American Society for Pediatric and Adolescent Gynecology, said parents who might have been hesitant in the past now want to discuss birth control.

"It's a sea change of, 'I don't have room to play. We have got to get my child on something,'" she said.

Teens already were shifting to more effective long-acting forms of birth control, which have similar or even lower failure rates than sterilization, said Laura Lindberg, a professor at Rutgers University's School of Public

Health in New Jersey. Her research found the number of 15- to 19-year-olds using those methods rose to 15% during the period 2015 to 2019, up from 3% during the 2006 to 2010 period.

No national data is available for the months since Roe was overturned, said Lindberg, who previously worked for nearly two decades at the Guttmacher Institute, a research group that supports abortion rights.

But she said "major ripple effects" have to be

expected from the loss of abortion access and noted that it wouldn't be the first time politics has led to a shift in birth control usage. In the weeks after former President Donald Trump's election, as women raised concerns online that the Affordable Care Act would be repealed, demand for long-acting birth control rose by nearly 22% across all age groups, according to a 2019 research letter published in JAMA Internal Medicine.

In Ohio, where a judge

this month blocked a ban on virtually all abortions, patients – both male and female – now listen with rapt attention to the contraception talk that Dr. Peggy Stager has long made a part of routine appointments at her pediatric practice in Cleveland.

Stager said her practice's dedicated spots for insertion of the Nexplanon implant have consistently filled, and requests for contraceptive refills have increased by 40% since Roe was turned. Recently,

talked to a college-bound student who wasn't sexually active but decided to get an IUD anyway.

"She was real clear: 'I want to have a great four years without any worry,'" recalled Stager, who is the chair of the section on adolescent health at the American Academy of Pediatrics. "And that's a change."

In Missouri, among the first states in the country with a trigger law in effect to ban abortions at any point in pregnancy, Dr. David Eisenberg also

has seen a similar sense of urgency from college-bound teens to choose the most effective option.

"Fear is an amazing motivator," said Eisenberg, an associate professor at the Washington University School of Medicine in St. Louis, who performs abortions in neighboring Illinois. "They understand the consequence of a contraceptive failure might mean they become a parent because they might not be able to access an abortion."

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PUBLIC NOTICE OF ENACTMENT OF AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the City Commission of the City of Alachua will hold a public hearing on a proposed ordinance. The hearing will be held on October 10, 2022 at 6:00 p.m., in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida.

The ordinance title is as follows:

ORDINANCE 23-01

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING ARTICLE 4, TABLE 4.1-1, TABLE OF ALLOWED USES, TO ALLOW SELF-SERVICE STORAGE AS A PERMITTED USE IN THE LIGHT AND WAREHOUSE INDUSTRIAL (ILW) ZONING DISTRICT; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 1501 at least 48 hours prior to the public hearing.

GF-32371774