



TO: Elizabeth Pauli, City Manager
FROM: Council Member Olgy Diaz
COPY: Mayor and Council
SUBJECT: **Ordinance – Interference with Health Care Facilities or Providers – November 15, 2022**
DATE: November 8, 2022

SUMMARY AND PURPOSE:

An Ordinance relating to the City’s “Public Safety” code; adding a new Chapter 8.180, titled “Interference with Health Care Facilities or Providers,” and adopting the related Revised Code of Washington by reference.
[Council Member Diaz]

COUNCIL SPONSORS:

Mayor Woodards, Deputy Mayor Ushka, and Council Members Diaz and Rumbaugh.

BACKGROUND:

The Council Member’s Recommendation is Based On:

In 1991, the people of Washington initiated the Reproductive Privacy Act, which affirms the fundamental right of persons in Washington State to privacy with respect to personal reproductive decisions and proscribes the authority of the state to deny or interfere with a “pregnant individual’s right to choose or refuse to have an abortion.” In 1993 the legislature codified Chapter 9A.50, Interference with Health Care Facilities or Providers, in the Revised Code of Washington (“RCW”). Chapter 9A.50 RCW finds that “seeking or obtaining health care is fundamental to public health and safety” and creates criminal penalties for persons who interfere with access to health care facilities.

On June 24, 2022, the U.S. Supreme Court issued a decision in *Dobbs v. Jackson Women’s Health Organization* (No. 19-1392) overruling the constitutional right to an abortion established by *Roe v. Wade*, 410 U.S. 113, and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, and repudiating a constitutional right to privacy. The *New York Times* estimates that after the *Dobbs* decision, with current and likely trigger laws banning abortions in up to 24 states, as many as 17 million persons capable of being pregnant would not have access to local abortion services. Reproductive health organizations estimated that, after *Dobbs*, Washington State would see an increase in persons traveling to the state to seek abortion services. In a report¹ released on Oct. 28, 2022, data showed abortions increased between April and August by 5% in Washington State.

This ordinance creates a gross misdemeanor charge for people who encroach on individuals seeking abortions or gender affirming care. The City has an interest in ensuring public health and safety and protecting the privacy interests and personal safety of Tacoma residents and persons who travel to Tacoma to seek health care services not offered in their state, such as abortion services and gender-affirming care. Adopting Chapter 9A.50 RCW into Tacoma’s “Public Safety” code will authorize the City Attorney to prosecute the offense in Tacoma Municipal Court.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

¹ https://www.societyfp.org/wp-content/uploads/2022/10/SFPWeCountReport_AprtoAug2022_ReleaseOct2022-1.pdf



Tacomans have demonstrated their contempt with the Supreme Court’s Dobbs ruling through multiple public demonstrations and meetings since the ruling was leaked and its subsequent publication in the spring of 2022. In the wake of this decision, anxiety in community about continued availability of abortion and gender affirming care is high and general safety concerns abound. We’ve heard from local abortion providers that they’re facing an influx of protesters who are disturbing the peace within the facility and interfering with clinic operations.

As a welcoming city and in an effort to promote public safety, the city must act to ensure protections for not just our residents seeking abortion care and gender affirming care but also for those from outside communities and states traveling here for that needed care. Persons who can become pregnant and members of our LGBTQIA+ community are at the greatest risk for not only physical harm from those seeking to stop them from receiving care but also communities who have often been left the most behind by our healthcare system and institutions. This ordinance is an important action the city can take to help provide confidence in public safety for individuals seeking vital healthcare services. We have received public testimony, emails, and calls highlighting that the criminal justice system does not always prioritize crimes against our most disproportionately underserved community members but this ordinance is a step in the right direction to protect them when they seek needed healthcare services.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: (Mandatory)

Restricting and/or denying access to abortion services will have a disproportionate impact on poor communities and Black, Indigenous, or people of color (BIPOC) communities. The City of Tacoma values being an open, welcoming, and inclusive city of opportunity for all its residents, workers, and visitors. The City recognizes that everyone has a fundamental right to bodily autonomy including transgender and gender diverse communities, and the City recognizes that transgender and gender diverse people with the capacity to become pregnant face increased barriers and stigma when accessing abortion services.

Civic Engagement: Equity Index Score: Moderate Opportunity

Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

Livability: Equity Index Score: Moderate Opportunity

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

Increase positive public perception of safety and overall quality of life.

The City of Tacoma is committed to recognizing the dignity of all its residents, workers, and visitors, including the right to public health and safety.

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
1. Not pass this ordinance		Individuals seeking abortion services or gender affirming care could face increased barriers.



City of Tacoma

City Council Action Memorandum

EVALUATION AND FOLLOW UP:

Staff should implement and enforce the ordinance.

SPONSOR RECOMMENDATION:

Sponsors recommend adopting this ordinance and creating a gross misdemeanor charge for people who encroach on individuals seeking abortions or gender affirming care.

FISCAL IMPACT:

There are no known fiscal impacts.

What Funding is being used to support the expense?

N/A

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

YES

Are there financial costs or other impacts of not implementing the legislation?

No

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

ATTACHMENTS:

N/A