



TO: Elizabeth Pauli, City Manager
FROM: Council Member Olgy Diaz
COPY: Mayor and City Council
SUBJECT: **Ordinance – Protections against discrimination based on an individual’s actual, potential, perceived, or alleged pregnancy outcomes – November 15, 2022**
DATE: November 8, 2022

SUMMARY AND PURPOSE:

An Ordinance to update the Tacoma Municipal Code related to human rights; including protections against discrimination based on an individual’s actual, potential, perceived, or alleged pregnancy outcomes. This would add people who have received or are seeking abortions as a protected class, ensuring their civil rights’ protections. Chapters to be amended to include this protection are:

- 1.07: Equity in Contracting
- 1.24: Personnel Rules
- 1.29: Human Rights Commission
- 1.45: Neighborhood Councils
- 6B.220: For-Hire Regulations, and
- 16A.03.080: Additional Rules Applicable to Cable Systems – Discrimination prohibited

“Pregnancy outcomes” means the results of a fertilization event and the results of the ensuing pregnancy as experienced by the individual who is or was pregnant. Examples of outcomes that are the results of a fertilization event includes, but are not limited to, live birth, stillbirth, miscarriage, and abortion. Examples of outcomes that are the result of an ensuing pregnancy include, but are not limited to, hyperemesis gravidarum (morning sickness), pregnancy-related anemia, preeclampsia, and perinatal depression, and includes an individual’s actual, potential, perceived or alleged “pregnancy outcome.”

[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:

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 majority opinion in *Dobbs* returns the issue of whether and to what extent to provide access to abortion to the states. In 1991, the people of Washington initiated the Reproductive Privacy Act, which affirms the fundamental right of persons in Washington 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.” The New York Times estimates that after *Dobbs*, 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. Sexual and reproductive health and rights organizations estimate that after *Dobbs* Washington will see an increase in persons traveling to the state to seek abortion services. Through Chapter 65, Laws of 2022, the State amended chapter 9.02 of the Revised Code of Washington (RCW) declaring: “The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes.”

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Individuals and businesses in Tacoma have expressed support for protecting civil rights and provide protections for vulnerable populations. Persons who can become pregnant and have varied pregnancy outcomes in Tacoma need added protection from discrimination based on their pregnancy outcomes in light of the United States Supreme Court *Dobbs* decision. In an effort to uphold Tacoma’s status as a welcoming and inclusive city, we should prevent discrimination in all its forms, particularly at a time when the ability and access to services to self-determine pregnancy outcomes has been left up to state and local jurisdictions by our federal government. It is in the interest of our residents and our visitors who can become pregnant or are pregnant to provide this needed protection and peace of mind for the outcomes of their pregnancy.

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

Increase positive public perception of safety and overall quality of life. Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

The City of Tacoma is committed to recognizing the dignity of all its residents, workers, and visitors, including the right to reside, work, and visit a City that does not subject them to prejudicial treatment or discrimination

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
1. Take no action		Risks the human rights of community members in Tacoma.



City of Tacoma

City Council Action Memorandum

EVALUATION AND FOLLOW UP:

Staff should implement and enforce the ordinance.

SPONSOR RECOMMENDATION:

Sponsors recommend adopting the ordinance and protecting against discrimination based on an individual's actual, potential, perceived, or alleged pregnancy outcomes within the City of Tacoma.

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