

ORDINANCE NO. 28858

BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR USHKA, AND COUNCIL MEMBERS DIAZ AND RUMBAUGH

AN ORDINANCE relating to the City's "Public Safety" code; amending Title 8 of the Tacoma Municipal Code, "Public Safety," by adding a new Chapter 8.180, entitled "Interference with Health Care Facilities or Providers," to ensure public health and safety for persons seeking health care services, and adopting the related Revised Code of Washington by reference.

WHEREAS, 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," and

WHEREAS, in 1993 the legislature codified Chapter 9A.50, Interference with Health Care Facilities or Providers, in the Revised Code of Washington ("RCW"), and

WHEREAS 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, and

WHEREAS, 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, and



WHEREAS *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, and

WHEREAS reproductive health organizations estimate that, after *Dobbs*, Washington State will see an increase in persons traveling to the state to seek abortion services, and

WHEREAS 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, and

WHEREAS, adopting Chapter 9A.50 RCW into Tacoma's "Public Safety" code will authorize the City Attorney to prosecute the offense in Tacoma Municipal Court; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 8 of the Tacoma Municipal Code, "Public Safety," is hereby amended to add a new Chapter 8.180, entitled "Interference with Health Care Facilities or Providers," to read as set forth in the attached Exhibit "A."



Section 2. That the City Clerk, in consultation with the City Attorney, is legislative findings. Passed _____ Mayor Attest: City Clerk Approved as to form: **Deputy City Attorney**

authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto. That the City Council hereby adopts the Recitals of this Ordinance as its formal



EXHIBIT "A"

1	TITLE 8
2	PUBLIC SAFETY
3	Chapter 8.110 Inhaling Toxic Fumes Chapter 8.120 Graffiti
4	Chapter 8.122 Noise Enforcement Chapter 8.130 Sale Or Distribution Of Deactivated Hand Grenades To Minors Chapter 8.140 Regulation Of Purchase/Sale of Ephedrine Chapter 8.150 Prohibition Of Sexual Encounter Establishments
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6	Chapter 8.160 Stay Out Of Drug Areas (SODA) Orders – Violation Chapter 8.170 Stay Out Of Areas Of Prostitution (SOAP) Orders – Violation
7	Chapter 8.180 Interference With Health Care Facilities Or Providers
8	* * * Chapter 8.180
9	INTERFERENCE WITH HEALTH CARE FACILITIES OR PROVIDERS
10	Sections:
11	<u>8.180.110</u> <u>8.180.020</u>
12	8.180.010 Purpose and Findings.
13	The City of Tacoma finds that seeking or obtaining health care is fundamental to public health and safety.
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15	8.180.020 Adoption of State law by Reference. The following RCW sections as arounded are adopted by references.
16	The following RCW sections as amended are adopted by reference:
17	9A.50.010 – Definitions 9A.50.020 – Interference with health care facility
18	9A.50.030 – Penalty 9A.50.070 – Protection of health care patients and providers
19	9A.50.900 – Construction * * *
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