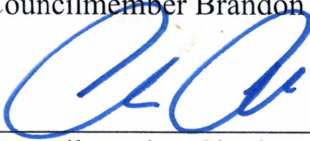


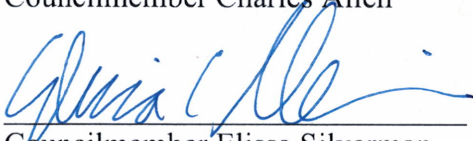
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42



Councilmember Brandon T. Todd



Councilmember Charles Allen



Councilmember Elissa Silverman



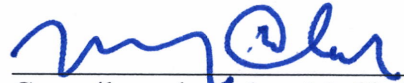
Councilmember David Grosso



Councilmember Brianne K. Nadeau



Councilmember Anita Bonds



Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to recognize the right to choose or refuse contraception or sterilization and to decide whether to carry a pregnancy to term to term, to give birth, or to have an abortio, to prohibit the District government from interfering with reproductive health decisions and from imposing a punishment or penalty on an individual for a self-managed abortion, miscarriage, or adverse pregnancy outcomes, and to prohibit employment discrimination against health care professionals based on the professional's participation in or the fact that the health care professional is willing to participate in, abortion or sterilization procedures.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Strengthening Reproductive Health Protections Amendment Act of 2019".

Sec. 2. The Human Rights Act of 1977, effective July 17, 1985 (D.C. Law 6-8; D.C.

Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 2-1401.02) is amended by adding a new paragraph (27A) to read as follows:

43 “(27A) The term “reproductive health decisions” includes a decision by an
44 individual, an individual’s dependent, or an individual’s spouse related to:

45 “(A) The use or intended use of a particular drug, device, or medical
46 service, including the use or intended use of contraception or fertility control; or

47 “(B) The planned or intended initiation or termination of a pregnancy.”

48 (b) Section 105 (D.C. Official Code § 2-1401.05) is amended as follows:

49 (1) Subsection (a) is amended by striking the phrase “This section shall not be
50 construed to require an employer to provide insurance coverage related to a reproductive health
51 decision.”.

52 (2) Subsections (b) and (c) are repealed.

53 (c) A new section 105a is added to read as follows:

54 “Sec. 105a. Ensuring government noninterference in reproductive health decisions.

55 “(a) The District recognizes the right of every individual to choose or refuse
56 contraception or sterilization.

57 “(b) The District recognizes the right of every individual who becomes pregnant to
58 decide whether to carry a pregnancy to term, to give birth to a child, or to have an abortion.”.

59 “(c) The District government shall not:

60 “(1) Deny, interfere with, or restrict, in the regulation or provision of benefits,
61 facilities, services, or information, the right of an individual, including individuals under state
62 control or supervision, to:

63 “(A) Choose or refuse contraception or sterilization; or

64 “(B) Choose or refuse to carry a pregnancy to term, to give birth to a child,
65 or to have an abortion;

66 “(2) Interfere with or restrict, in the regulation or provision of benefits, facilities,
67 services, or information, the decision of a health care practitioner acting within the scope of the
68 health care practitioner’s license to participate in a consenting patient’s prenatal care, labor or
69 delivery, or abortion; or

70 “(3) Seek to punish or penalize an individual for:

71 “(A) Seeking, inducing, or attempting to induce the individual’s own
72 abortion; or

73 “(B) Any act or omission during the individual’s own pregnancy based on
74 the potential or actual impact on the individual’s health or pregnancy.

75 “(d) For the purposes of this subsection, the term “health care practitioner” means a
76 person, groups of persons, partnership, or corporation, including a health care facility, that is
77 licensed, certified, or otherwise authorized by law to provide professional health care services in
78 the District to an individual.”.

79 (c) Section 211(a)(4) (D.C. Official Code § 2-1402.11(a)(4)) is amended by adding a new
80 subparagraph (E) to read as follows:

81 “(E) Fail to treat individuals affected by pregnancy, childbirth, related
82 medical conditions, or breastfeeding, and employees affected by reproductive health decisions
83 the same for all employment-related purposes, including receipt of benefits under fringe benefit
84 programs, as other persons not so affected but similar in their ability or inability to work, and this
85 requirement shall include, but not be limited to, a requirement that an employer must treat an
86 employee temporarily unable to perform the functions of the employee’s job because of the
87 employee’s pregnancy-related condition in the same manner as it treats other employees with

88 temporary disabilities; provided, that this subparagraph shall not be construed to require an
89 employer to provide insurance coverage related to a reproductive health decision.”.

90 (b) Title II is amended by adding a new part J to read as follows:

91 “PART J - Prohibition on discrimination against health care professionals.

92 “Sec. 291. Definitions.

93 “For the purposes of this part:

94 “(1) “Health care professional” means a physician; advance practice clinician;
95 nurse; nurse’s aide; medical assistant; hospital employee; clinic employee; nursing home
96 employee; pharmacist; pharmacy employee; medical researcher; medical or nursing school
97 faculty, student, or employee, counselor or social worker; or any other individual involved in
98 providing health care in any manner.

99 “(2) “Health care provider” means:

100 “(A) Any person, group of persons, partnership, institution, corporation,
101 organization, or board engaged in the provision of health care in any manner; or

102 “(B) Any person, group of persons, partnership, institution, corporation,
103 organization, or board engaged in, or authorized for, credentialing or licensing of a health care
104 professional.

105 “Sec. 292. Prohibited discrimination.

106 “(a) It shall be an unlawful discriminatory practice for a health care provider to engage in
107 any of the following acts with respect to a health care professional based on the health care
108 professional’s participation in abortion or sterilization procedures or related training outside the
109 course and scope of the health care professional’s employment with that health care provider or

110 based on the fact that the health care professional is willing to participate in abortion or
111 sterilization procedures:

112 “(1) Fail or refuse to hire;

113 “(2) Discharge from employment or medical training program;

114 “(3) Transfer;

115 “(4) Discriminate with respect to:

116 (A) Compensation or promotion;

117 (B) Residency or other medical training opportunities;

118 (C) Staff privileges, admitting privileges, or staff appointments; or

119 (D) Licensure or board certification;

120 “(5) Take adverse administrative action against;

121 “(6) Cause loss of career specialty;

122 “(7) Harass; or

123 “(8) Otherwise penalize, discipline, or take adverse or retaliatory action.”.

124 Sec. 3. Fiscal impact statement.

125 The Council adopts the fiscal impact statement in the committee report as the fiscal
126 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
127 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

128 Sec. 4. Effective date.

129 This act shall take effect following approval by the Mayor (or in the event of veto by the
130 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
131 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

132 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
133 Columbia Register.