

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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 2020".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Title I is amended as follows:

(1) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

(A) Designate the existing paragraph (27A) as paragraph (27B).

(B) A new paragraph (27A) is added to read as follows:

“(27A) “Reproductive health decision” includes a decision by an individual, an individual's dependent, or an individual's spouse related to:

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

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

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

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

(B) Subsections (b) and (c) are repealed.

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

“Sec. 105a. Government noninterference in reproductive health decisions.

“(a) The District shall recognize the right of every individual to choose or refuse contraception or sterilization.

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

“(c) The District shall not:

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

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

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

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

“(3) Penalize an individual for:

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

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

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

(b) Title II is amended as follows:

(1) Section 211(a)(1) (D.C. Official Code § 2-1402.11(a)(1)) is amended as follows:

(A) Designate the existing text as subparagraph (A).

(B) The newly designated subparagraph (A) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(C) A new subparagraph (B) is added to read as follows:

“(B) To fail to treat an employee affected by pregnancy, childbirth, a pregnancy-related or childbirth-related medical condition, breastfeeding, or a reproductive health decision, the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as an employee not so affected but similar in the employee’s ability or

inability to work, including the requirement that an employer shall treat an employee temporarily unable to perform the functions of the employee's job because of the employee's pregnancy-related condition in the same manner as it treats other employees with temporary disabilities; provided, that this subparagraph shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision;”.

(2) A new part J is added to read as follows:

“PART J - Health Care Professionals.

“Sec. 291. Definitions.

“For the purposes of this part:

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

“(2) “Health care provider” means:

“(A) An individual, group of individuals, partnership, institution, corporation, organization, or board engaged in providing health care in any manner; or

“(B) An individual, group of individuals, partnership, institution, corporation, organization, or board engaged, or authorized, in the credentialing or licensing of a health care professional.

“Sec. 292. Prohibited discrimination.

“(a) It shall be an unlawful discriminatory practice for a health care provider to do any of the following against a health care professional based on the health care professional's participation in an abortion or sterilization procedure, participation in abortion or sterilization training outside the course and scope of the health care professional's employment with that health care provider, or willingness to participate in an abortion or sterilization procedure:

“(1) Fail or refuse to hire the health care professional;

“(2) Discharge the health care professional from employment or a medical training program;

“(3) Transfer the health care professional;

“(4) Discriminate against the health care professional with respect to:

(A) Compensation or promotion;

(B) Residency or other medical training opportunity;

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

(D) Licensure or board certification;

“(5) Take adverse administrative action against the health care professional;

“(6) Harass the health care professional; or

“(7) Otherwise penalize, discipline, or take adverse or retaliatory action against the health care professional.”.

Sec. 3. Applicability

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia