



Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Brianne K. Nadeau
Councilmember, Ward 1

Chairperson
Human Services Committee

Statement of Introduction
Human Rights Sanctuary Amendment Act of 2022

May 6, 2022

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, along with my colleagues Chairman Phil Mendelson, Anita Bonds, Charles Allen, Vincent Gray, Christina Henderson, Janeese Lewis George, Elissa Silverman, Robert White, and Kenyan McDuffie, I am introducing the Human Rights Sanctuary Amendment Act of 2022.

Four days ago, Politico circulated a draft opinion in *Dobbs v. Jackson Women's Health Organization* suggesting that the Supreme Court will eliminate the constitutional right to abortion later this year. At that time, I promised District residents that I would take legislative action to defend the rights protected by *Roe v. Wade*.

It is clear from the draft opinion, however, than even more than the right to abortion is at stake. Under Samuel Alito's regressive, political, results-driven reading of the Constitution, all substantive due process and equal protection rights, such as the rights to marriage, non-procreative sexual conduct, and the use of contraception are under threat.

In response, and in defense of human rights in the District, this proposed legislation would prevent the District from cooperating with investigations in furtherance of proceedings that seek to impose civil or criminal liability for the protected conduct identified in the statute. It also creates a private right of action against parties who successfully bring Texas-style bounty lawsuits against others for engaging in protected conduct.

The bill is modeled, in part, on Connecticut's recently passed Reproductive Freedom Defense Act. It protects the rights of District residents to live with whom they please, love whom they love, and control their reproductive destinies. It makes the District a safe haven for trans youth who need gender-affirming care, LGBTQ+ individuals who need to preserve their families, and all people who need reproductive freedom to flourish as meaningful participants in American life.

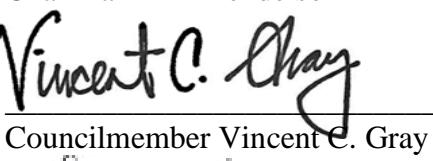
While I am hurt and horrified by the assault on human rights perpetrated by the Supreme Court, I am resolved to do all that I can to protect women and other District residents whose liberties are endangered.

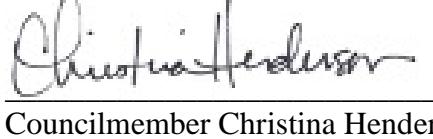
Sincerely,

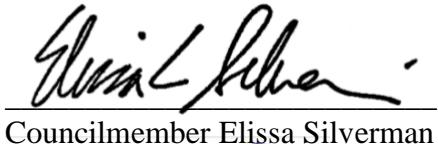
Brianne K. Nadeau

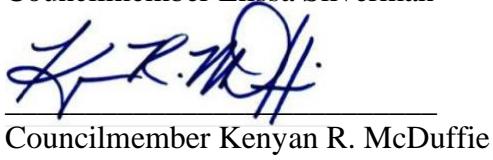
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3 Chairman Phil Mendelson

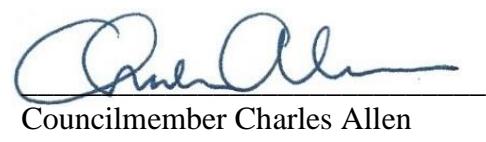
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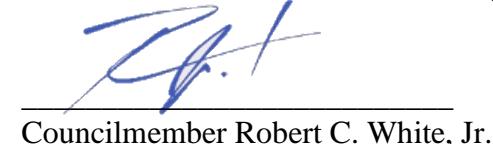
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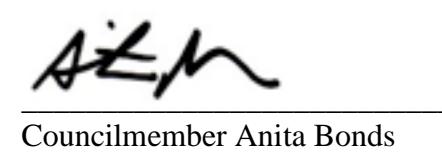
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15 Councilmember Kenyan R. McDuffie

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18 Councilmember Brianne K. Nadeau

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21 Councilmember Charles Allen

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24 Councilmember Janeese Lewis George

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27 Councilmember Robert C. White, Jr.

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30 Councilmember Anita Bonds

31 A BILL

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35 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

36 To amend the Human Rights Act of 1977 to prevent the District from supporting interstate
37 investigations or proceedings with the potential to infringe upon the exercise of
38 reproductive freedom and to create a private right of action against parties engaged in
39 conduct that infringes on reproductive freedom.

40 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

41 act may be cited as the "Human Rights Sanctuary Amendment Act of 2022".

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

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

(1) A new paragraph (4A) is added to read as follows:

42 “(4A) “Contraception” means any device, medication, or practice designed
43 or employed to prevent pregnancy, including levonorgestrel and other forms of emergency
44 treatment, the use of which would be lawful in the District.”.

45 (2) Paragraph (12A-i) is redesignated as paragraph (12A-ii).

(3) A new paragraph (12A-i) is added to read as follows:

47 “(12A-i) “Gender-affirming care” means any form of surgical or other
48 medical care that is lawful in the District designed or employed to affirm a person’s gender
49 identity, including hormone therapy, behavioral healthcare, reproductive counseling, facial
50 reconstruction surgery, and gender affirmation surgery.”.

51 (4) A new paragraph (15A) is added to read as follows:

52 “(15A) “Living arrangement” means the cohabitation of any number of
53 related or unrelated persons in the same household.”.

54 (b) Section 105a(c) (D.C. Official Code § 2.1401.06(c)) is amended as follows:

(1) A new paragraph (4) is added to read as follows:

56 “(4) Provided that any such investigation or proceeding does not implicate
57 conduct subject to civil or criminal liability in the District, provide any information or expend or
58 use time, money, facilities, property, equipment, personnel, or other resources in furtherance of
59 any interstate investigation or proceeding seeking to impose civil or criminal liability upon a
60 person or entity for:

61 “(A) Receiving or seeking an abortion or contraception;

62 “(B) Performing or inducing an abortion;

63 “(C) Engaging in conduct that aids, abets, or advises the
64 performance or inducement of an abortion or the use of contraception;
65 “(D) Engaging in sexual conduct that is lawful in the District;
66 “(E) Providing contraception to another person or entity;
67 “(F) Using contraception;
68 “(G) Entering into or remaining in a living arrangement, marriage,
69 domestic partnership, or civil union that is lawful in the District;
70 “(H) Providing, consenting to, receiving, or facilitating gender-
71 affirming care; or
72 “(I) Attempting or intending to engage in the conduct described in
73 sub-paragraphs (A)-(H) of this paragraph.”.
74 (c) A new section 105b is added to read as follows:
75 “Sec. 105b. Private right of action for interference in reproductive health
76 decisions.
77 “(a) When any person has had a judgment entered against such person, in any
78 jurisdiction, where liability, in whole or in part, is based on the alleged provision, receipt,
79 assistance in receipt or provision, material support for, or any theory of vicarious, joint, several
80 or conspiracy liability derived therefrom, for the receipt, provision, or facilitation of an abortion,
81 use of contraception, gender-affirming care, living arrangement, or sexual conduct that is lawful
82 in the District, such person may recover damages from any party that brought the action leading
83 to that judgment or that has sought to enforce that judgment. Recoverable damages shall include:
84 “(1) Just damages created by the action that led to that judgment,
85 including, but not limited to, money damages in the amount of the judgment in that other

86 jurisdiction and costs, expenses, and reasonable attorney's fees spent in defending the action that
87 resulted in the entry of a judgment in another jurisdiction; and

88 “(2) Costs, expenses and reasonable attorney's fees incurred in bringing an
89 action under this section, as may be allowed by the court.

90 “(b) The provisions of this section shall not apply to a judgment entered in
91 another jurisdiction that is based on:

92 “(1) An action founded in tort, contract or statute, and for which a similar
93 claim would exist under the laws of the District, brought by the person who engaged in the
94 conduct upon which the original lawsuit was based or the patient's authorized legal
95 representative, for damages suffered by that person or damages derived from an individual's loss
96 of consortium of that person;

97 “(2) An action founded in contract, and for which a similar claim would
98 exist under the laws of the District, brought or sought to be enforced by a party with a
99 contractual relationship with the person that is the subject of the judgment entered in another
100 state; or

101 “(3) An action where no part of the acts that formed the basis for liability
102 occurred in the District.”.

103 Sec. 3. Fiscal impact statement.

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

107 Sec. 4. Effective date.

108 This act shall take effect following approval by the Mayor (or in the event of veto by the
109 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
110 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
111 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
112 Columbia Register.