



Memorandum

To: Pregnancy Resource Centers in Austin

From: Jonathan Saenz, President & Attorney for Texas Values; and Mary Elizabeth Castle, Policy Advisor for Texas Values

Re: Pregnancy Resource Centers Ability to Serve during the “Stay Home-Work Safe” Order for the City of Austin and Travis County

Date: March 24, 2020

Question:

We have been asked whether pregnancy resource centers can continue to serve women in need by providing diapers, baby formulas, and other necessities for babies while the City of Austin, and Travis County, are under a “Stay Home-Work Safe” order?

Answer:

Yes. Pregnancy resource centers may continue to operate for the purpose of providing diapers, baby formula, and other needs for the health and sanitation of babies while the City of Austin and Travis County are under a “Stay Home-Work Safe” order.

Analysis:

On March 24, Mayor Steve Adler issued a “Stay Home-Work Safe” order for the city of Austin that requires all residents of the City of Austin to “shelter in their place of residence except as allowed by this order”. The order allows for residents to leave their dwellings for essential activities that include: activities for health and safety, activities for necessary supplies and services, activities that are outdoors, certain types of works that are defined as essential business, government services, or critical infrastructure; and activities to take care of others. Order No. 20200324-007 Sec. 6(b) i-v.

Only certain businesses are allowed to remain open under the “Shelter in Place” order. Businesses that are allowed to stay open are critical infrastructure businesses, essential government

functions, and businesses classified as essential businesses. Order No. 20200324-007 Sec. 6 (c), (d), (f).

The order gives examples and definitions of businesses that are considered essential businesses. One of the examples of an essential business is “Social Services and Charitable Organizations”, which are defined as “businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals”. Order No. 20200324-007 Sec. 6 (f) iv.

Pregnancy resource centers in Austin function not only as places for refuge for pregnant women who are facing difficult decisions while pregnant, but they also provide many tangible and practical resources for pregnant women and new mothers who face financial challenges when caring for a baby, as a single or young parent in most cases. Some of the practical resources include diapers, baby formulas, and other essential items for the health and safety of babies and young children. Therefore, it is foreseeable that many mothers of babies and young children will need to leave the house to obtain items for the health and safety of their babies as permitted by the ordinance.

Seeing that the pregnancy resource centers desire to serve economically disadvantaged and otherwise needy mothers who may not be able to afford diapers, baby formulas, and other childcare items while the “Stay Home-Work Safe” order is in effect, pregnancy resource centers in Austin most likely fall under the definition of an essential business that is a social service and charitable organization.

Therefore, our conclusion is that pregnancy resource centers in the City of Austin are allowed to continue their service of providing diapers, baby formula, and other childcare items to mothers in need while Stay Home-Work Safe Order 20200324-007, by Mayor Steve Adler is in effect.

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Travis County Judge Sarah Eckhardt issued an order with identical language. Order No. 2020-5, Relating to the Declaration Regarding COVID-19 <https://traviscountytexas.gov/images/docs/200314-gathering-order.pdf>