

Ordinance No: B\_\_-23

## An ordinance amending the City code to establish new regulations for the protection of LGBTQ individuals

WHEREAS, in the last session of the General Assembly, over 50 different anti-LGBTQ bills were introduced by the Representatives and Senators of the State of Missouri; and

WHEREAS, these bills attacked core civil, constitutional, and human rights of LGBTQ people we all share, including freedoms of speech, privacy, expression, assembly, as well as the rights to life, liberty, and the pursuit of happiness; and

WHEREAS, Senate Bills 39 and 49 signed into law by the Governor of Missouri attack some of the most vulnerable people in our state: transgender youth and their families who only seek to love and support them; and

WHEREAS, multiple healthcare institutions across the country, including in Missouri, have scaled back or have considered scaling back gender-affirming healthcare services in response to legal challenges, perception of legal risk, harassment, or threats of violence; and

WHEREAS, other Missouri cities such as Rolla and Branson are considering amendments to their obscenity laws to prohibit drag performances in parts or the entirety of the city; and

WHEREAS, incidents of violence perpetrated against the LGBTQ community are increasing, from bullying in schools, hate crimes, and plotted or committed acts of terror at community events and spaces, such as the mass shooting at Pulse Nightclub in Orlando, Florida that killed 49 people, and the mass shooting at Club Q in Colorado Springs, Colorado that killed 5; and

WHEREAS, the City of Columbia condemns the anti-LGBTQ bills being debated and signed into law in Missouri that target marginalized groups at the expense of addressing other critical issues in the state along with the violence members of the community face; and

WHEREAS, gender-affirming healthcare has been proven to be evidence-based, medically necessary, and lifesaving by the American Medical Association, the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatricians, the Endocrine Society, the American Psychiatric Association, and the World Professional Association for Transgender Health, amongst other institutions; and

WHEREAS, studies have shown access to gender-affirming healthcare improves the overall wellbeing of transgender people and that access to gender-affirming healthcare for youth is associated with better mental health outcomes and lower risks of suicide; and

WHEREAS, over 94 percent of LGBTQ+ youth surveyed by the Trevor Project in late 2021 said recent politics have negatively impacted their mental health, and 93 percent of transgender and nonbinary youth surveyed by the Trevor Project in 2022 said they have worried about transgender people being denied access to gender affirming medical care due to state or local laws; and

WHEREAS; many LGBTQ people and families with LGBTQ children are considering leaving their city or state due to anti-LGBTQ attitudes and legislation being proposed, especially young people, who want to live in communities where they do not have to live in fear of being persecuted or prosecuted for who they are; and

WHEREAS, social acceptance and inclusion of LGBTQ people leads to better mental health outcomes and enables those individuals and their families to enrich the cultural and social fabric of their community they live in; and

WHEREAS, Chapter 12, Article II of City of Columbia's Code of Ordinances prohibits discrimination in employment, housing and places of public accommodation on the basis of race, color, religion, sex, national origin, ancestry, marital status, disability, sexual orientation, gender identity or expression, familial status (housing only), age (employment only), receipt of governmental assistance, alienage or citizenship status, status as a victim of sexual or domestic violence, or order of protection status; and

WHEREAS, Section 16-146 of City of Columbia's Code of Ordinances prohibits on minors any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender; and

WHEREAS, the City of Columbia recently adopted a paid family leave plan fully inclusive of LGBTQ people and their families so they can take care of their loved ones, regardless of marital status or blood-relation; and

WHEREAS, the City of Columbia recognizes the importance of diversity, equity, and inclusion when it comes to being a competitive employer, building a strong local economy, and enriching the community to be better than the sum of its parts, as well as recognizing LGBTQ people have long contributed to the rich history and social fabric of Columbia and this country; and

WHEREAS, the City Council of the City of Columbia has a responsibility to protect the health, safety, and welfare of all people in our community, especially the physical and psychological well-being of minors, including LGBTQ youth; and

WHEREAS, the City Council has declared its' desire to ensure Columbia is a city that is open and affirming to all, including LGBTQ individuals and families; and

WHEREAS, as a city that strives to respect and celebrate its diversity, the City Council affirms that being LGBTQ is not a disorder, disease, illness, deficiency or shortcoming and commit to finding ways to improve social outcomes for LGBTQ Columbians; and

WHEREAS, the City of Columbia recognizes drag performances, entertainers, and venues who host them have First Amendment rights to freedom of expressive conduct and symbolic speech and that bans on performances under the guise of obscenity laws is unconstitutional and unenforceable, and that these laws also attack trans and gender nonconforming people more broadly; and

WHEREAS, the City of Columbia recognizes the infeasibility of policing who all goes into which bathrooms and the logistical confusion and chaos that such a law would cause law enforcement personnel as well as LGBTQ residents and visitors of Columbia; and

WHEREAS, the Mayor and Council hereby declare the City of Columbia a Sanctuary City for the LGBTQ community, their families, their right to gender-affirming healthcare, and rights to speech and expression.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COLUMBIA, MISSOURI AS FOLLOWS:

XXXXXX Code of Ordinance of the City of Columbia is hereby amended as follows:

#### Section 1. Safeguards for LGBTQ Individuals, Families, and Establishments.

1. City personnel shall not criminally prosecute or impose administrative penalties on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.

2. In the event any law or regulation is passed federally or in the State of Missouri which imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, City personnel shall make enforcement of said law or regulation their lowest priority.

3. City personnel shall not enforce laws of other jurisdictions that impose criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare and shall decline any request to stop, arrest, detain, continue to detain, or transfer into out-of-state custody individuals on the basis of such conduct being criminalized, penalized, or prosecuted in said jurisdiction.

4. Except as required by lawful authority, city personnel shall not respond to any request for information from another jurisdiction if the request is related to that jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.

5. Except as required by lawful authority, city personnel shall not enforce or facilitate the collection of any judgment of another jurisdiction to the extent the judgment arises out of a cause of action in that jurisdiction based on providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.

6. If the federal government or state of Missouri ever pass a "drag show/story hour ban" bill, enforcement of that law will be put on the lowest priority for the Columbia Police Department.

7. If the federal government or state of Missouri ever passes a "bathroom ban" bill, enforcement of that law will also be put on the lowest priority for the Columbia Police Department.

## Section 2. Additional Safeguards for LGBTQ People.

1. To the extent allowed by law, the City of Columbia, its public officials, employees, agents, or contractors, shall not:

(a) gather or disseminate information regarding any person's "biological sex, male, female, or intersex, at birth"

(b) assist in the cooperation of any investigation, detention, arrest, litigation procedure, or inquiry involved in the enforcement of SB 39 and SB 49 or any other anti-LGBTQ bills that deprive individuals of their constitutional rights

(c) assist in the cooperation of any investigation, detention, arrest, litigation procedure, or inquiry involved in the enforcement of any anti-LGBTQ laws of another jurisdiction against someone in Columbia

(d) assist in the cooperation of information gathering or surveillance of individuals or entities related to SB 39, SB 49, and other anti-LGBTQ laws otherwise passed by Missouri or another jurisdiction

(e) include on any city application, questionnaire, or interview form, in relation to benefits, employment, services, or opportunities offered or provided by the City, any question regarding any person's "biological sex, male, female, or intersex, at birth".

2. Nothing in this Section shall limit the legitimate right of inquiry of the City regarding a person's "gender" or "sex", as long as it does not require a person's "biological sex, male, female, or intersex, at birth".

3. Nothing in this Section shall limit the Columbia/Boone County Department of Public Health from obtaining any medically necessary information. Such medically necessary information may only be disseminated with the informed consent of the patient or by court order.

Section 3. Severability.

1. If any section, subsection, sentence, clause, phrase, word, provision or application of the ordinance or accompanying ordinance(s) shall be found to be invalid, illegal, unconstitutional, or unenforceable, that finding shall not affect or undermine the validity of any other section, subsection, sentence, clause, phrase, word, provision, or application of the ordinance or accompanying ordinance(s).