

Introduced by Buffaloe

First Reading 2-5-24

Second Reading 2-19-24

Ordinance No. 025576

Council Bill No. B 16-24 A

AN ORDINANCE

declaring the city as a safe haven for free speech and expression; expressing support for the LGBTQ community; establishing policies for enforcement of laws and participation with other jurisdictions which seek the prosecution or imposition of administrative penalties on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare; providing the provisions of this ordinance are severable; and fixing the time when this ordinance shall become effective.

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 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 commits to finding ways to improve social outcomes for LGBTQ Columbians; 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 Pediatrics, the Endocrine Society, the American Psychiatric Association, and the World Professional Association for Transgender Health, amongst other institutions; 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, 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 five; and

WHEREAS, the City Council of the City of Columbia desires 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, 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% of LGBTQ+ youth surveyed by the Trevor Project in late 2021 said recent politics have negatively impacted their mental health, and 93% of transgender and non-binary 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, 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, the Mayor and City Council hereby desire to declare the City of Columbia a safe haven for the LGBTQ community, their families, business establishments and rights to free speech and expression.

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

SECTION 1. DECLARATION OF SAFE HAVEN. The City of Columbia is hereby declared to be a safe haven for the Constitutional rights of free speech and expression for all individuals including, the LGBTQ community, their families, and business establishments. In accordance with such declaration, the following safeguards for LGBTQ individuals, families, and establishments are hereby provided within the City of Columbia:

1. Except as otherwise required by law, there will be no initiation of the prosecution or imposition of administrative penalties, criminal punishment, civil liability, administrative penalties, or professional sanctions by the City on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.

2. Except as otherwise required by law, the enforcement of any state or federal law or the laws of any other jurisdiction which seek the prosecution or imposition of administrative penalties, criminal punishment, civil liability, administrative penalties, or professional sanctions against an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare within the City will be declined and, if unable to be declined for any reason, will be the lowest priority within the City.
3. Except as otherwise required by law, any request by any state or federal agency or any other jurisdiction to stop, arrest, detain, continue to detain, or transfer into out-of-state custody individuals on the basis of an individual or organization providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare for the purpose of criminalizing, penalizing or prosecuting such individual or organization will be declined and, if unable to be declined for any reason, will be the lowest priority within the City.
4. Except as otherwise required by law, any request for information from another jurisdiction which is known to be 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 will be declined and, if unable to be declined for any reason, will be the lowest priority within the City.
5. Except as otherwise required by law, the enforcement or facilitation of the collection of any judgment of another jurisdiction to the extent the judgment is known to have arisen 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 will be declined and, if unable to be declined for any reason, will be the lowest priority within the City.
6. Except as otherwise required by law, the City shall not take affirmative steps to inquire, gather or disseminate information regarding the assigned sex at birth of any individual nor 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 assigned sex at birth. Nothing in this subsection shall limit the legitimate right of inquiry of the City regarding the "gender" or "sex" of an individual, as long as any such inquiry does not require disclosure of the assigned sex at birth nor shall it prohibit the Columbia/Boone County Department of Public Health from obtaining any medically necessary information to provide services to an individual.


7. Except as other required by law, the enforcement of any laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, pertaining to the use of restroom facilities based on an individual's original sex identified on a birth certificate or other language restricting bathroom use based on sex at birth will be declined and, if unable to be declined for any reason, will be the lowest priority within the City.
8. Except as otherwise required by law, the enforcement of any laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, pertaining to the prohibition on entertainment by male or female impersonators or prohibitions on performers wearing non-stereotypical dress or costumes based on the entertainer's actual or perceived sex will be declined and, if unable to be declined for any reason, will be the lowest priority within the City.

SECTION 2. SEVERABILITY. The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, word, provision or application of this ordinance shall be found to be invalid, illegal, unconstitutional, or unenforceable, that finding shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision, or application of this ordinance which shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this 19th day of February, 2024.

ATTEST:

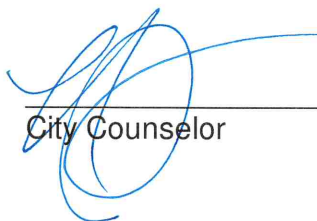


City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor