

Securing the rights of individuals seeking gender-affirming care and reproductive healthcare.

(a) *Purpose.* The purpose of this ordinance is to reaffirm our city as a welcoming community, to declare again that all are welcome here, and to continue to increase public confidence in Medford's government by clearly stating guiding values and standards associated with our city's involvement in any civil or criminal action originating in another jurisdiction related to the provision of gender-affirming and reproductive healthcare. The City acknowledges that access to safe, legal, and transparent Reproductive Health Care Services and Gender Affirming Health Care Services benefits the health, safety and welfare of the citizens and is in the interest of the City.

The City of Medford should not participate in the enforcement of another state's civil or criminal law when that law seeks to deny an individual's right to bodily autonomy. Further, it is contrary to the City of Medford's public policy to criminalize a person's efforts to live as their full, authentic self, and thus the City's resources should not be expended toward that end.

(b) Definitions.

- *Gender-affirming healthcare* means all supplies, care, and services of medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to the treatment of gender dysphoria.
- *Gender expression* means the external representation of gender as expressed by an individual including, but not limited to, clothing, haircut, behavior, voice, or body characteristics
- *Gender identity* means an individual's deep internal sense of being female, male, a combination of both, or neither.
- *Transgender* refers to an individual whose gender identity is different from their assigned sex at birth and encompasses both binary and non-binary identities.
- *Reproductive healthcare* means all supplies, care, and services of medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management, or the termination of a pregnancy.
- "Legally-protected health care activity" means (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender affirming health care services secured by the constitution or laws of the commonwealth; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth, and the provision of insurance coverage for such services, shall be legally protected if the service is permitted under the laws of the commonwealth, regardless of the patient's location.
- "Licensed health care provider" means a person licensed under the provisions of federal or state law to provide health care or other medical services.

- “Limited-services pregnancy center” means an individual or entity that provides or claims to provide any pregnancy-related service but does not provide, and will not refer clients to providers of, any of the following services:
 - (A) any FDA-approved contraceptive drug or device;
 - (B) pregnancy testing;
 - (C) obstetric ultrasound;
 - (D) prenatal care;
 - (E) abortion;
 - (F) Sterilization.
- “City agent” means any employee of the City of Medford, whether full time or part time, regular or seasonal, any intern or volunteer when acting on behalf of the City of Medford, any contractor for the City of Medford while a contract between the City of Medford and said contractor is in effect, and any recipient of City funding, grants, awards, or appropriations.
- “Pregnancy-related service” means any medical or health counseling service related to pregnancy or pregnancy prevention, including, but not limited to, contraception and contraceptive counseling, pregnancy testing, pregnancy diagnosis, pregnancy options counseling, obstetric ultrasound, obstetric sonogram, and prenatal care.

(c) *Equal treatment.* It is the established policy of the City of Medford, as expressed in Medford Code of Ordinances Section 50-61 and elsewhere, that the City of Medford shall treat and serve all individuals equally, regardless of gender identity, uphold the human rights of all persons in the city, and remove or overcome consequences of discrimination based on gender identity. An individual’s gender identity or expression shall have no bearing on an individual’s treatment by employees or officers of City agencies or departments.

(d) *Safe access to protected healthcare information.* All information related to Reproductive Health Care Services or Gender-Affirming Health Care Services for any individual, including individuals who are not residents of the City or the Commonwealth, held by any City Agent is and shall be kept confidential by all City Agents and shall not be released or disclosed to any third party absent the order of a court of competent jurisdiction.

No City Agent may furnish information, assistance, or aid, and no City resources, materials, or funds shall be used to facilitate or aid any person, entity or jurisdiction seeking to prohibit, criminalize, sanction, or bring or prosecute any criminal or civil action against, or otherwise interfere with any individual, entity or carrier that seeks, receives, causes, aids in access to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or provide Reproductive Health Care Services or Gender-Affirming Health Care Services, if such services are Legally-Protected Health Care Activities.

All City Agents shall comply with any state regulation pertaining to reproductive and gender-affirming health care not otherwise explicitly stated in this Ordinance.

(e) *Role of the police department.* Except as required by the order of a court of competent jurisdiction, the police department of the City of Medford shall not:

- (1) initiate investigations or take law enforcement action on the sole basis of an individual seeking or providing gender-affirming healthcare or reproductive healthcare, or on the basis of an individual's gender identity; or
- (2) provide information or assistance to a federal law enforcement agency or any other state's law enforcement agency or any private citizen or quasi-law enforcement agent in relation to an investigation or inquiry into the provision of gender-affirming healthcare or reproductive healthcare, if such services would be lawful as provided if they occurred entirely in the Commonwealth.

(f) *Requests for protected healthcare information.* No officer or employee of the City of Medford, including the police department, shall comply with any request for information pertaining to any civil or criminal action regarding gender-affirming healthcare or reproductive healthcare if such services would be lawful as provided if they occurred entirely in the commonwealth; provided, that they are not required to do so by Massachusetts or federal law, or as required by the Massachusetts Public Records law pursuant to Chapter 66 of the General Laws and its regulations.

(g) *Fair access to reproductive health and gender affirming health care information.*

(1) The City shall make available in writing or via electronic communications, information from the Commonwealth of Massachusetts that is relevant to accessing Reproductive Health Care Services and Gender Affirming Health Care Services. This information may include information pertaining to Limited-Services Pregnancy Centers, entities performing reproductive services in the Commonwealth, as well as advisories, notices, or other general information that is relevant to reproductive and gender affirming health care.

(2) No limited-services pregnancy center shall make or disseminate before the public, or cause to be made or disseminated before the public, in any newspaper or other publication, through any advertising device, or in any other manner, including, but not limited to, through use of the Internet, any statement concerning any pregnancy-related service or its provision of any pregnancy-related service that is deceptive, whether by statement or omission, and that a limited services pregnancy center knows or reasonably should know to be deceptive.

(3) The Health Department shall post on its official City website, and other forms of City communications, any current or future consumer advisories issued by the Commonwealth related to Reproductive Health Care Services and Gender Affirming Health Care Services. The Health Department shall also provide a link to [Sexual and Reproductive Health Care Locations](#) from the Mass.gov website.

(4) The Health Department shall advise residents of the City of their right to file a consumer complaint regarding an LSPC or other reproductive health care. The form provided by the Office of the Attorney General Consumer Advocacy and Response Division shall be made available on the official City website and at City Hall through the Health Department or their designee.

(h) *Complaints.* Allegations of violations of this ordinance may be filed by any method provided for filing of complaints, including without limitation with the personnel department or, in the case of a complaint against an officer or employee of the police department, the Department's Internal Affairs Division, who shall investigate the complaint and take appropriate disciplinary action.

(i) *Reporting.* Beginning on the date of passage of this ordinance and every six months thereafter, the Chief of the Police Department shall submit to the Mayor and the City Clerk a report on the number and type of requests received, if any, from other jurisdictions for assistance or information related to civil or criminal action on the basis of an individual or entity providing, allowing, or seeking gender-affirming care or reproductive healthcare. Such a report will be placed on the agenda of the next-occurring meeting of the City Council.

(j) *Enforcement.*

(1) A violation of this ordinance constitutes an injury and a rebuttable presumption of harm to the individual (a) who sought or provided gender-affirming care or reproductive healthcare and/or (b) who was targeted on the basis of their gender identity in a manner prohibited by this ordinance.

(2) Any individual harmed by an alleged violation of this ordinance may bring a civil action in a court of competent jurisdiction for injunctive relief, declaratory relief, or writ of mandamus to enforce this ordinance. A plaintiff who is the prevailing party in such proceedings shall be entitled to costs and attorney's fee to the extent permitted by law. Nothing in this ordinance shall be construed to limit or affect any individual's rights under state or federal laws.

(3) An action instituted under this paragraph may be brought against the City of Medford, the respective department of the City of Medford, and, if necessary to effectuate compliance with this ordinance, any other governmental agency with possession, custody, or control of information subject to this ordinance. Any employee of the City found to have violated this Ordinance shall be subject to the discipline policies of the City of Medford.

(k) *Effective date.*

(1) The provisions of this ordinance shall be effective immediately upon passage.

(2) All policies, practices, procedures, directives, and training necessary to implement this ordinance effectively and faithfully shall be promptly (but in no event later than ninety (90) days from the effective date) developed and promulgated by the mayor, the police department, and all other relevant entities.

(3) The policies, practices, procedures, directives, and training materials shall be forwarded to the city council upon their promulgation.

(l) *Severability.* The provisions in this ordinance are severable. If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall continue to have full force and effect.