

ORDINANCE
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Amending the Minneapolis Code of Ordinances by adding a new Title 7.5 relating to Welcoming City for All Genders and Sexual Orientations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Title 7.5 to read as follows:

TITLE 7.5. – WELCOMING CITY FOR ALL GENDERS AND SEXUAL ORIENTATIONS

Section 2. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 145 relating to In General.

CHAPTER 145. – IN GENERAL

145.10. - Purpose and policy statement. The City of Minneapolis declares that the rights to self-determination, bodily autonomy, and access to gender-affirming and reproductive healthcare are fundamental human rights. Protecting the lives and rights of Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, asexual, and the other identities and experiences that fit within these communities (collectively “2SLGBTQIA+”) is necessary for the city’s public peace, health, and safety. The city’s civil rights ordinance banned discrimination based on sexual orientation in 1974. In 1975, the city amended its civil rights ordinance and became the first city in the United States to ban discrimination based on gender identity.

In 2022 the city and in 2023 the State of Minnesota issued executive orders to protect and support the rights of Minnesota’s 2SLGBTQIA+ community members to safely seek and receive gender affirming healthcare services. Our 2SLGBTQIA+ community members both locally and nationally continue to be negatively impacted by the proliferation of executive and legislative attacks that perpetuate a culture of discrimination, harassment, and barriers to equal opportunities for the community.

Studies suggest that 2SLGBTQIA+ people are over-represented in Minnesota’s unhoused population. 2SLGBTQIA+ over-representation increases to almost one-quarter for youth experiencing homelessness.

Minneapolis is home to people from diverse racial, ethnic, and gender identities and backgrounds and a place of refuge for people coming from places that do not have the same policies and protections. All residents and visitors, regardless of their gender identity, expression, or medical history, are valued and integral to our social, cultural, and economic community. The city is unwavering in its ongoing commitment to creating a welcoming and respectful atmosphere where everyone is accepted, regardless of race, ethnicity, gender identity, and sexual orientation. To further this commitment, the city values equal protection and equitable treatment for all residents and visitors. The city rejects and condemns in the strongest possible terms the horrific and discriminatory efforts to use government to erase the identity of 2SLGBTQIA+ people and drive them out of public life.

The city prioritizes using its limited resources to improve the health and safety of its residents and visitors. Gender-affirming care takes many forms, is evidence-based, and supported by peer-reviewed science and the lived experiences of transgender and gender expansive people. The city firmly rejects any attempts to

weaponize government resources to disenfranchise or criminalize individuals for seeking or providing life-saving care that is legal in Minnesota.

145.20. - Gender-Affirming and Intersex Care. (a) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Gender-Affirming Care* means all medical, surgical, counseling, or referral services, including telehealth services, that an individual may receive to support and affirm the individual's gender identity or gender expression and that are legal under the laws of Minnesota.

(2) *Intersex Care* means all medical, surgical, counseling, or referral services, including telehealth services, that an individual may receive related to natural differences or variations in sex characteristics or reproductive anatomy and that are legal under the laws of Minnesota.

(b) The city is a safe-haven for gender-affirming and intersex care. The city acknowledges that minors living independently may consent to their own gender-affirming or intersex care. No city personnel may use a person's age or parental status as a basis to cooperate with anyone seeking to prevent or punish legal healthcare.

(c) Unless required by law, city employees, representatives, and contractors may not use city facilities, property, moneys, equipment, data technology (e.g. license plate recognition, surveillance video, computers) ("city resources"), or city personnel to interfere with the ability of any person to receive gender-affirming or intersex care, to interfere with the ability of any person to advocate for another person to receive gender-affirming care, or for enforcing federal laws that prevent or limit gender-affirming or intersex care.

(d) Unless required by law, city personnel may not disclose any private data, medical information, or surveillance data, including but not limited to traffic or security camera footage, regarding a person's gender-affirming or intersex care.

(e) The city will not enter into any agreements requiring it to share data or resources to interfere with, enforce bans upon, or criminalize gender-affirming or intersex care.

(f) To the extent permitted by law, the city's employee health insurance plan must offer coverage for all eligible city employees and their dependents that includes gender-affirming care benefits.

(g) The administration must ensure that the city's employee health insurance plan offers coverage that addresses the healthcare needs of the intersex community.

145.30. - City funds, facilities, and data. (a) The city will not accept or distribute grant funds that have any conditions that require the city to limit the rights of individuals based on gender, gender identity, gender expression, or sexual orientation.

(b) When constructing or remodeling a city-owned building, the building must provide at least one (1) Americans with Disabilities Act (ADA) accessible all-gender restroom on every floor with restrooms. When leasing a new city building, the building must, to the extent reasonably feasible, provide at least one (1) ADA accessible all-gender restroom on every floor with restrooms.

(c) For existing city-owned or leased buildings without all gender restrooms, the city must ensure that any gender-specific signage on existing single-user restrooms be promptly replaced with gender neutral signage.

(d) No person may be denied access to a restroom or changing facility that accords with their gender identity in any facility owned or operated by the city.

(e) The administration must create policies or procedures governing the city's collection of data from the public related to sexual orientation and gender identity. Factors that should be considered in creating these policies or procedures include:

(1) The potential for anonymization of data;

(2) Safe storage of data;

(3) Classification of data under the Minnesota Government Data Practices Act and other relevant law;

(4) Opportunities for disclosures on how data will be used; and

(5) Balancing the need to collect data so the city has information necessary to support the 2SLGBTQIA+ community and deliver needed services with the privacy interests of the individuals from whom the data are collected, to the extent legally permissible.

145.40. – Outreach and engagement. (a) The administration must report annually to the appropriate committee of the city council on its outreach and engagement efforts to the 2SLGBTQIA+ community. The report should include at a minimum a description of the administration's outreach and engagement efforts and any metrics on the effectiveness and results of those efforts.

(b) After the report is presented to the city council, the commission on civil rights must review the annual report.

(c) If the City Council creates an advisory body that focuses on the 2SLGBTQIA+ community, that body must review the annual report after the report is presented to the city council and may provide the administration, the city council, and the public with feedback on the report and the administration's outreach and engagement efforts.

145.50. - Complaints, discipline, and reporting. (a) Violations of sections 145.20 or 145.30 (d) of this chapter by employees are subject to disciplinary action.

(b) Summary data about the number and disposition of complaints must be reported to the city council by June 30 and December 31 each year.

(c) If a complaint is filed alleging a violation of sections 145.20 or 145.30 (d), in the course of investigating the alleged violation, no complainant or witness may be compelled by the city investigating authority to provide their gender identity or sexual orientation.

(d) The city must preserve all data related to complaints under this section for at least twelve (12) months after the complaint is closed.

(e) The administration must ensure there is a mechanism for the public to report alleged violations of this chapter by employees.