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Legislation Details (With Text)

File #: SO2022-2486
Type: Ordinance **Status:** Passed
File created: 7/20/2022 **In control:** City Council
Final action: 9/21/2022

Title: Amendment of Municipal Code Title 6 by adding new Chapter 6-20 entitled "Bodily Autonomy" and associated modification of Section 8-4-010 regarding penalty for disorderly conduct

Sponsors: Rodriguez Sanchez, Rossana, Ramirez-Rosa, Carlos, Martin, Matthew J., Valencia, Anna M., Hadden, Maria E., Villegas, Gilbert, Sigcho-Lopez, Byron, Vasquez, Jr., Andre, Sadlowski Garza, Susan, Cardenas, George A., Silverstein, Debra L., La Spata, Daniel, Rodriguez, Michael D., Tunney, Thomas, Scott, Monique L., Maldonado, Roberto, Waguespack, Scott, Mitts, Emma, Reilly, Brendan, King, Sophia D., Taylor, Jeanette B., Dowell, Pat, Beale, Anthony, Moore, David H., Burnett, Jr., Walter, Hairston, Leslie A., Taliaferro, Chris, Coleman, Stephanie D., Osterman, Harry, Cappleman, James, Lee, Nicole T., Nugent, Samantha, Hopkins, Brian

Indexes: Ch. 20 Bodily Autonomy

Attachments: 1. SO2022-2486.pdf, 2. O2022-2486.pdf

Date	Ver.	Action By	Action	Result
9/21/2022	1	City Council	Passed as Substitute	Pass
9/20/2022	1	Committee on Health and Human Relations	Add Co-Sponsor(s)	
9/16/2022	1	Committee on Health and Human Relations	Add Co-Sponsor(s)	
7/29/2022	1	Committee on Health and Human Relations	Add Co-Sponsor(s)	
7/20/2022	1	City Council	Referred	

SUBSTITUTE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Title 6 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 6-20, as follows:

Chapter 6-20 Bodily Autonomy

6-20-010 Public policy of the City with regards to bodily autonomy.

The City respects the fundamental right of individuals to make autonomous decisions about reproductive health care and the expression of gender identity through one's own body. The City will work to protect people's reproductive and gender-affirming choices and condemns the creation and enforcement of laws passed by other jurisdictions that seek to impose civil or criminal liability on persons who seek and receive, or assist with the provision or receipt of, reproductive health care or gender-affirming care.

6-20-020 Definitions.

For purposes of this chapter, the following definitions shall apply:

"Agency" means every City department, agency, division, commission, council, committee, board, or other body or person established by authority of a City ordinance or resolution, City Council order, or executive order.

"Agent" means any person employed by or acting on behalf of an agency.

"Bodily autonomy" means self-governance over one's own reproductive options and gender identity, including reproductive health care and gender-affirming care.

"Gender-affirming care" means all services, supplies, drug therapies, and other care that an individual may receive to

support and affirm the individual's gender identity,

"Reproductive health care" means health care offered, arranged, or furnished for the purpose of preventing pregnancy, terminating a pregnancy, managing pregnancy loss, or improving maternal health and birth outcomes. Reproductive health care includes but is not limited to contraception, sterilization, preconception care, maternity care, abortion care, and counseling regarding reproductive health care.

"Restrictive law" means any statute, ordinance, rule, regulation, or other law that restricts an individual's bodily autonomy in a manner inconsistent with the laws of Illinois and includes laws of another state or jurisdiction that establish liabilities, penalties, or other discipline for any person performing, providing, administering, receiving, obtaining, seeking, or aiding a person seeking reproductive health care or gender-affirming care, regardless of whether such law is stylized as a charge relating to homicide, child abuse, or any other charge that is pretext for enforcing such a restrictive law.

6-20-030 Enforcement.

(a) Except as required by a statute or regulation that applies to the City, or as required by an order of a court of competent jurisdiction or lawfully issued judicial warrant of a court of competent jurisdiction, no agent or agency shall:

(1) provide information related to, or in furtherance of, any investigation or proceeding initiated in or by another state or jurisdiction that seeks to impose civil or criminal liability or professional sanctions upon a person for

(A) the provision or receipt of, or any inquiry concerning, reproductive health care or gender-affirming care that is legal in the State of Illinois; or

(B) any assistance given to any person or entity that relates to the provision or receipt of, or any inquiry concerning, reproductive health care or gender-affirming care that is legal in the State of Illinois.

(2) participate in any law enforcement action or operation or assist in the civil enforcement of a restrictive law.

(3) stop, arrest, detain, or continue to detain an individual, or transfer an individual into the custody of another jurisdiction, based solely on a restrictive law or on a request to extradite an individual pursuant to a restrictive law unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of the State of Illinois.

(4) permit law enforcement of another jurisdiction (A) access, including by telephone, to an individual being detained by, or in the custody of, the agency or agent for purposes of investigative interviews in relation to a foreign investigation for enforcement of a restrictive law; or

(B) use of agency facilities or data for investigative interviews or other investigative purpose in relation to a foreign investigation for enforcement of a restrictive law.

(5) use any City resources, including an agent's time, in responding to inquiries from, or communicating with, any state or person investigating, initiating, or pursuing a civil or criminal action against a person based on a restrictive law, other than to respond that the City will not be assisting in the action or take the necessary legal action to effect the goals of this chapter.

(b) Each agency that may be asked to assist in the investigation or enforcement of a restrictive law shall, in consultation with the Corporation Counsel, develop a model policy to (i) prevent violation of this Chapter 6-20, (ii) ensure that all facilities remain safe and accessible to any person alleged to have violated a restrictive law, and (iii) train applicable staff on the provisions of this Chapter 6-20, including staff who respond to Freedom of Information Act requests on behalf of public bodies. All such agencies shall establish policies that limit data sharing in relation to allegations of the violation of a restrictive law to the fullest extent possible consistent with federal and Illinois law. The City shall make such policies available to departments and facilities operated by Sister Agencies, as that term is defined in Section 1 -23- 010.

(1) The agencies and the Corporation Counsel shall consult with the Advisory Council on Women and the Advisory Council on LGBTQ+ issues, established in Section 2-120- 500(b) and (c), and may consult with the Illinois Attorney General, the Illinois State Police, the Cook County Sheriff, the Cook County State's Attorney, and the Commissioner of Public Health to develop the model policies. Among the goals of the policies will include providing:

(A) guidance as to which foreign warrants are based on alleged violations of restrictive laws, and distinguish restrictive laws that pretextually use the language of murder, child abuse, and other crimes in order to infringe on bodily autonomy, from those that are consonant with crimes that are recognized in the State of Illinois.

(B) a compilation of warrants and other possible inquiries that, if received and acted upon, would result in a violation of this Chapter 6-20.

(2) Any agency that creates a policy pursuant to or compliant with this Chapter 6-20 shall annually review the policy and update it to reflect any changes in the legal landscape. Any policy that is changed shall be reported to the City Council Committee on Health and Human Relations.

(c) If an agency receives a request to provide assistance with the investigation of or enforcement of a restrictive law, a supervising agent, who shall be an attorney licensed in Illinois, shall, in accordance with the requirements of

subsection (a) and the policies adopted pursuant to subsection (b), determine whether such request is to assist in the investigation of or enforcement of a restrictive law. If the supervisor determines that the request is to assist in the investigation of or enforcement of a restrictive law, the supervisor shall decline the request. The supervisor shall also notify the Commission on Human Relations with an identifier that indicates that the event is a request for assistance with a restrictive law. The Commission on Human Relations shall report to the Mayor, the Corporation Counsel, and the City Council Committee on Health and Human Relations the number of requests for assistance in the enforcement of any restrictive laws including the sources, frequency, and nature of requests and the agencies' response to such request. These reports shall not contain any personally identifiable information or private information in order to protect the identities and privacy of any person alleged to have violated a restrictive law.

(d) Nothing in this section shall prohibit the investigation of any activity prohibited under Illinois law, provided that no information relating to any medical procedure performed on an individual or relating to any medical resources provided to a specific individual may be shared with an out-of-state agency or any other person unless the individual gives written authorization for such data sharing.

(e) This Chapter 6-20 does not create or form the basis for liability on the part of the City, its agents, or agencies. A remedy for the violation of this chapter shall be through the City's disciplinary procedures for officers and employees under regulations including but not limited to the City personnel rules, union contracts, civil service commission rules, or any other agency rules or regulations. A person alleging a violation of this chapter shall forward a complaint to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the Chairman of the City Council Committee on Committees and Rules for processing or such successor committee having jurisdiction over said matters. Nothing in this section shall preclude a person from seeking injunctive or declaratory relief for a violation of this section. The City reserves the right to challenge any such order of court or lawfully issued judicial warrant as referred to in subsection (a).

6-20-040 Calls for resources related to bodily autonomy.

The City shall take reasonable steps to provide a service that provides callers with information on resources for people seeking gender-affirming care or reproductive health care, which may include directing calls to an organization that can provide assistance. If such a system is established, the City shall ensure that residents who have limited proficiency in the English language have meaningful access to such service in accordance with Chapter 2-40 of the Code.

SECTION 2. Section 8-4-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

8-4-010 Disorderly conduct.

A person commits disorderly conduct when he knowingly:(Omitted text is unaffected by this ordinance)

(j) Either: (1) knowingly approaches another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way within a radius of 50 feet from any entrance door to a hospital, medical clinic or healthcare facility, or (2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person entering or leaving any hospital, medical clinic or healthcare facility.

A person convicted of disorderly conduct shall be fined not more than \$500.00 for each offense, though for a second or subsequent violation of subsection (i). the violator shall be fined \$1,000.00.

SECTION 3. This ordinance shall be in full force and effect 10 days following passage and publication.

Aid. Rossana Rodriguez Sanchez
33rd Ward

Aid. Maria Hadden
49th Ward

Aid. Carlos Ramirez-Rosa

Aid. Matt Martin

35th Ward

47th Ward

Anna Valencia City Clerk
*
CITY OF CHICAGO

OFFICE OF THE CITY CLERK ANNA M. VALENCIA

Chicago City Council Co-Sponsor Form

d iWard^ d IWard)(Signature)

Date Filed:

Final Copies To Be Filed With: • Chairman of Committee to which legislation was referred
• City Clerk

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