

## **Guidelines for Securing the Rights of Individuals Seeking Gender Affirming Care and Reproductive Healthcare**

**Purpose.** The purpose of this memorandum is to implement City of Somerville Ordinance No. 2022-12. As per the ordinance, the City of Somerville shall not participate in any civil or criminal action originating in another jurisdiction related to the provision of gender affirming healthcare<sup>1</sup> and reproductive healthcare<sup>2</sup>.

In recent years, a rising number of states are threatening the lives of transgender and non-binary people by criminalizing and restricting access to gender affirming care, even going so far as to attempt to criminalize traveling out of state to seek such care. Similarly, access to reproductive healthcare has been materially restricted by many states in recent years. In light of the Supreme Court's decision in *Dobbs v Jackson Women's Health Organization* that overturns the protections established in *Roe v Wade*, many states have decided to further criminalize reproductive healthcare. The City of Somerville 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 Somerville'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.

1. To implement this ordinance, members of the Somerville Police Department shall not:
  - a. Initiate investigations or take law enforcement action on the basis of an individual seeking or providing gender-affirming healthcare or reproductive healthcare, or on the basis of an individual's gender identity; or
  - b. 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.
  - c. 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

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<sup>1</sup> Gender-affirming healthcare means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to the treatment of gender dysphoria.

<sup>2</sup> Reproductive healthcare means all supplies, care, and services of a 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.

Massachusetts Public Records law pursuant to Chapter 66 of the General Laws and its regulations.

2. Any member of the Somerville Police Department that receives a request for information or assistance pertaining to any civil or criminal action regarding gender-affirming healthcare or reproductive healthcare from any individual or agency shall immediately forward the request to the Compliance Sergeant via email who shall reject such request if such services would be lawful as provided if they occurred entirely in the Commonwealth. The Compliance Sergeant will be responsible for tracking and maintaining a record of such requests. In the event it is unclear whether the request is pertaining to any civil or criminal action regarding gender-affirming healthcare or reproductive healthcare, the request must be immediately sent to the Chief of Police who shall preliminarily determine whether conduct underlying the request appears to involve providing, assisting in the provision of, seeking or obtaining reproductive health care services or gender-affirming health care services.
3. Beginning on the date of passage of City of Somerville Ordinance No. 2022-12 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.