




OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

TO: Department Heads

FROM: Naomi M. Kelly, City Administrator 

SUBJECT: Update to Covered State List for City Contracts and Travel to States with Anti-LGBT Laws

DATE: June 30, 2017

Chapter 12X of the Administrative Code prohibits the City from entering into contracts with contractors located in states that have passed anti-LGBT laws since June 26, 2015. Chapter 12X also prohibits City-funded travel to such states. The Office of the City Administrator is responsible for publishing and maintaining a Covered State List, which identifies the states that are subject to these prohibitions. Section 12X.2 of the Administrative Code specifies that a state will be included on the Covered State List if it enacts a law that:

- Voids or repeals existing state or local protections against discrimination on the basis of Sexual Orientation, Gender Identity, or Gender Expression, or
- Authorizes or requires discrimination against same-sex couples or their families or that authorizes or requires discrimination on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of Sexual Orientation, Gender Identity, or Gender Expression

The following states will be added to the Covered State List based on recent legislative action meeting the definition above:

- Alabama:
 - o HB 24 allows private adoption and foster agencies to reject qualified LGBT adoptive or foster parents based on the agency's religious beliefs. HB 24 was signed into law and became effective on May 3, 2017.
- Kentucky:
 - o SB 17 allows student groups and organizations in K-12 schools and colleges to discriminate against classmates based on sexual orientation or gender identity. SB 17 was signed into law on March 16, 2017, and became effective on June 29, 2017.

- Texas:
 - HB 3859 allows the state's foster and adoption system to discriminate against qualified LGBT families based on religious beliefs. The bill also gives foster care agencies the ability to discriminate against children in foster care. HB 3859 was signed into law on June 15, 2017, and becomes effective September 1, 2017.
 - The addition of Texas to the Covered State List will be effective on September 1, 2017.

The list below indicates all the states currently on the Covered State List:

- Alabama
 - HB 24 allows private adoption and foster agencies to reject qualified LGBT adoptive or foster parents based on the agency's religious beliefs. HB 24 was signed into law and became effective on May 3, 2017.
- Kansas
 - SB 175 allows religious student organizations to reject members who are LGBT based on the organization's religious beliefs. SB 175 went into effect July 1, 2016.
- Kentucky
 - SB 17 allows student groups and organizations in K-12 schools and colleges to discriminate against classmates based on sexual orientation or gender identity. SB 17 was signed into law on March 16, 2017, and became effective on June 29, 2017.
- Mississippi
 - HB 1523 provides legal protections to people who use religious freedom as a basis to discriminate against LGBT individuals. HB 1523 went into effect July 1, 2016.
- North Carolina
 - HB 142 prohibits local municipalities from enacting or amending any laws that regulate employment practices and public accommodations until 2020. This would prevent a municipality from enacting an LGBT non-discrimination ordinance or from repealing an existing discriminatory law in the areas of employment and public accommodations. HB 142 became effective August 1, 2016.
- South Dakota
 - SB 149 would allow state funded adoption and foster care agencies to reject qualified LGBT individuals on the basis of the agency's religious beliefs. SB 149 went into effect on June 8, 2017.
- Tennessee
 - HB 1840 allows counselors and therapists to refuse to serve LGBT individuals on the basis of religious beliefs. HB 1840 went into effect on May 2, 2016.
- Texas (effective September 1, 2017)
 - HB 3859 allows the state's foster and adoption system to discriminate against qualified LGBT families based on religious beliefs. The bill also gives foster care agencies the ability to discriminate against children in foster care. HB 3859 was signed into law on June 15, 2017, and becomes effective September 1, 2017.
 - The addition of Texas to the Covered State List will be effective on September 1, 2017.

The Covered State List is reviewed on a semiannual basis. When a state is removed or added, the Office of the City Administrator will make that information public and post the updated list on its website, available at <http://sfgsa.org/chapter-12x-anti-lgbt-state-ban-list>.

Should you have any questions on these policies or the legislation, please do not hesitate to contact me directly. Routine requests about contracting should be directed to Jaci Fong at (415) 554-6743 or oca@sfgov.org for Chapter 21 contracts.