

Section 1. Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

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

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

“Coerce” means to use express or implied threats towards a person or any family member of a person that attempts to put the person in immediate fear of the consequences in order to compel that person to act against his or her will.

“Contact information” means home address, work address, telephone number, electronic mail address, social media contact information, or any other means of contacting an individual.

“Family member” means a person’s (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

“Gender-affirming care” means all services, supplies, drug therapies, and other care that an individual may receive or provide to support and affirm the individual’s gender identity.

“Material support” means providing money, food, water, shelter, medicine, transportation, counseling, directions and any other information, direct or indirect assistance or material items and goods an individual might want or require to help that individual successfully obtain an abortion or gender affirming care while the individual providing the material support is acting either on behalf of themselves or another for-profit, non-profit, governmental or formal or informal organization organized in any way, shape or form.

“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, emergency contraception, sterilization, fertility treatment, preconception care, maternity care, abortion care, and counseling regarding reproductive health care.

“Verbal abuse” means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived: (1) race, color, sex, religion, national origin, English proficiency, disability, age, marital status, sexual orientation, or gender identity

of that person, or (2) citizenship or immigration status of that person or that person's family member.

"Warrant" means a warrant of arrest, notice to appear, warrant to search a designated premises for suspected evidence of a crime, or any other document, issued by any local, state or federal law enforcement agency that can form the basis for an individual's arrest or detention for a violation of laws criminalizing the receipt or provisioning of an abortion or other women's reproductive health care services. This definition does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article 26 of the Maryland Declaration of Rights.

Section 2. Requesting information prohibited.

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the receipt or provisioning of gender affirming care, including abortions and/or gender affirming care for their family member(s), or if an individual has participated in the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care of any person unless such inquiry or investigation is required by court order.

Section 3. Threats based on the receipt or provisioning of an abortion or other women's reproductive health care services prohibited.

No agent or agency shall (a) coerce any person based upon the person's actual or perceived receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the receipt or provisioning of gender affirming care of any person, including abortions and/or gender affirming care for their family member(s), or if an individual has participated in the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care; (b) communicate a threat to report that person or any family member of that person under circumstances that reasonably tend to produce a fear that the threat will be carried out; (c) or otherwise subject a person to verbal abuse as defined by this chapter.

Section 4. Conditioning benefits, services, or opportunities on the receipt or provisioning of an abortion or other women's reproductive health care services prohibited.

No agent or agency shall condition the provision of City benefits, opportunities, or services on matters related to the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the receipt or provisioning of gender affirming care of any person, including abortions and/or gender affirming care for their family member(s), or if an individual has participated in the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care unless required to do so by Maryland state law or federal law, or court order.

Section 5. Civil enforcement actions – Federal responsibility.

(a) No agency or agent shall:

(1) arrest, detain, or continue to detain a person based on the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services, including abortions and/or gender affirming care for their family member(s), or the receipt or provisioning of gender affirming care of any person or any individual who has participated in the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care, or otherwise comply with an agency seeking to arrest, detain, or continue to detain a person based on the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the receipt or provisioning of gender affirming care or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care of any person;

(2) be permitted to accept requests by other local, state or federal agencies to support or assist in law enforcement operations to arrest, detain, or continue to detain a person based on the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services, including abortions and/or gender affirming care for their family member(s), or the receipt or provisioning of gender affirming care of any person or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care, including but not limited to requests to establish traffic perimeters. In the event an agent receives a request to support or assist in a law enforcement operation to arrest, detain, or continue to detain a person based on the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the receipt or provisioning of gender affirming care of any person or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care, he or she shall report the request to his or her supervisor, who shall decline the request and document the declination in an interoffice memorandum to the Chief through the chain of command; or

(3) enter into an agreement under any local, state or federal law that permits state or local governmental entities to enforce laws which prohibit the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services, including abortions and/or gender affirming care for their family member(s), or the receipt or the provisioning of gender affirming care or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care of any person.

Section 6. Exchanging file information.

(A) All applications, questionnaires, and interview forms used in relation to City benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding the receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services, including abortions and/or gender affirming care for

their family member(s), or the receipt or the provisioning of gender affirming care of any person or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care, other than those required by statute, ordinance, federal law or court order, shall be deleted within 60 days of the passage of this ordinance.

(B) A copy of any administrative request received by a City agency from any law enforcement agency to detain or notify it regarding a person in custody shall be provided to that person in custody.

(C) City agencies shall report to the Council and Mayor every six (6) months the number of requests received by the City from law enforcement agencies and the way that request was handled. City agencies shall also respond a request by a Council Member or the Mayor regarding a specific incident covered by this ordinance within 48 hours.

Section 7. Avoiding Aiding Federal Government in Acts of Discrimination

It is unlawful to use agency or department moneys, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, gender identity, religion, national or ethnic origin, receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care, or any other basis protected from discrimination in the Hyattsville Human Rights Act or under state and federal laws.

Section 8. Severability.

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

Section 9. This ordinance shall take full force and effect upon its passage and approval.

It is unlawful to use agency or department moneys, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, gender identity, religion, national or ethnic origin, receipt or provisioning of an abortion or other women's and pregnant persons reproductive health care services or the provisioning of financial, logistical or any other type of material support to anyone seeking women's and pregnant persons reproductive health care services or gender affirming care or any other basis protected from discrimination in the Hyattsville Human Rights Act or under state and federal laws.