



MEMORANDUM

TO: Department Heads  
City Financial Officers  
Contracting Officers

FROM: Carmen Chu, City Administrator

CC: Sailaja Kurella, Purchaser and Director of Office of Contract Administration  
John Arntz, Director, San Francisco Department of Elections  
Kimberly Ellis, Director, Department on the Status of Women  
Pau Crego, Executive Director, Office of Transgender Initiatives

SUBJECT: Ban on City Contracts and Travel to States with Voter Suppression, Anti-LGBT and Abortion-Restrictive Laws

DATE: September 15, 2022

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On October 14, 2016, the Board of Supervisors enacted Chapter 12X of the Administrative Code (Ordinance No. 189-16, **file No. 160425**) (“Chapter 12X”) which prohibits city-funded travel and City contracts involving states with certain anti-LGBT laws.

On August 9, 2019, the Board of Supervisors enacted an ordinance amending Chapter 12X (Ordinance No. 200-19, **file No. 190658**). The ordinance moved the existing provisions concerning states with anti-LGBT laws into Article I and created a new Article II, which prohibits city-funded travel and City contracts involving states with laws that prohibit abortion prior to the viability of the fetus.

On November 5, 2021, the Board of Supervisors enacted an ordinance amending Chapter 12X (Ordinance No. 201-21, **file No. 210811**). The ordinance created a new Article III, which prohibits city-funded travel and City contracts involving states with voter suppression laws.

Pursuant to Administrative Code Sections 12X.3, 12X.13, and 12X.24, the City Administrator shall create and maintain a list of states with laws meeting the definition of a Covered State under Articles I, II and III of Chapter 12X (“Covered State List”). The Covered State List must be reviewed on a semiannual basis, in consultation with the Office of Transgender Initiatives, Department on the Status of Women, and Department of Elections. When a state is removed or added to the list, the Office of the City Administrator makes the information public and posts the updated Covered State List on its website, available at <https://sfgsa.org/chapter-12x-state-ban-list>.

## **Generally**

Subject to certain exceptions, Chapter 12X prohibits the City from funding travel to states on the Covered State List. Chapter 12X also provides that the City shall not enter into any contract with a contractor (A) that has its United States headquarters in a state on the Covered State list; or (B) where any or all of the work on the contract will be performed in a state on the Covered State List. Unless otherwise waived, this contracting ban applies to all Chapter 21 (Commodities, General Services, and Professional Services) and Chapter 6 (Public Works/Construction) contracts entered into by the City. The contracting ban applies to the prime contractor and does not extend to lower tier subcontractors, suppliers, or vendors.

## **Changes to the Covered State List as of September 15, 2022**

As of the date of this memo, Missouri and Utah have been added to the Covered State List. Additionally, Arizona, Georgia, Indiana and Louisiana have a new Operating Date because they are newly covered under Article I and/or Article II.

To determine if your contract is exempt from 12X, refer to the Covered States List table below. Only contracts initiated prior to the applicable Operative Date listed for a state are exempt from 12X.

## **Covered States List as of September 15, 2022**

The below table lists all of the states on the Covered State List as of September 15, 2022 and their corresponding Operative Date.

State	12X Article I: Restrictive LGBTQ Laws Operative Date: 2/11/2017	12X Article 2: Restrictive Abortion Laws Operative Date: 1/1/2020	12X Article 3: Restrictive Voting Laws Operative Date: 3/6/2022	Operative Date for Determining if Previously Executed Contracts are Exempt from 12X
<b>Total</b>	<b>21</b>	<b>29</b>	<b>17</b>	<b>30</b>
Alabama	Yes	Yes	Yes	02/11/17
Alaska	No	No	No	Not Subject to 12X
Arizona	Yes	Yes	Yes	02/11/17
Arkansas	No	Yes	Yes	01/01/20
California	No	No	No	Not Subject to 12X
Colorado	No	No	No	Not Subject to 12X
Connecticut	No	No	No	Not Subject to 12X
Delaware	No	No	No	Not Subject to 12X
Florida	Yes	Yes	Yes	02/11/17
Georgia	Yes	Yes	Yes	02/11/17
Hawaii	No	No	No	Not Subject to 12X
Idaho	Yes	Yes	Yes	02/11/17
Illinois	No	No	No	Not Subject to 12X
Indiana	Yes	Yes	Yes	02/11/17
Iowa	Yes	Yes	Yes	02/11/17
Kansas	Yes	Yes	Yes	02/11/17
Kentucky	Yes	Yes	Yes	02/11/17
Louisiana	Yes	Yes	Yes	02/11/17
Maine	No	No	No	Not Subject to 12X
Maryland	No	No	No	Not Subject to 12X
Massachusetts	No	No	No	Not Subject to 12X
Michigan	No	No	No	Not Subject to 12X
Minnesota	No	No	No	Not Subject to 12X
Mississippi	Yes	Yes	No	02/11/17
Missouri	No	Yes	No	01/01/20
Montana	Yes	Yes	Yes	02/11/17
Nebraska	No	Yes	No	01/01/20
Nevada	No	Yes	Yes	01/01/20
New Hampshire	No	Yes	Yes	01/01/20
New Jersey	No	No	No	Not Subject to 12X
New Mexico	No	No	No	Not Subject to 12X
New York	No	No	No	Not Subject to 12X
North Carolina	Yes	Yes	No	02/11/17
North Dakota	Yes	Yes	No	02/11/17
Ohio	Yes	Yes	No	02/11/17
Oklahoma	Yes	Yes	Yes	02/11/17
Oregon	No	No	No	Not Subject to 12X
Pennsylvania	No	Yes	No	01/01/20
Rhode Island	No	No	No	Not Subject to 12X
South Carolina	Yes	Yes	No	02/11/17
South Dakota	Yes	Yes	No	02/11/17
Tennessee	Yes	Yes	No	02/11/17
Texas	Yes	Yes	Yes	02/11/17
Utah	No	Yes	No	01/01/20
Vermont	No	No	No	Not Subject to 12X
Virginia	No	No	No	Not Subject to 12X
Washington	No	No	No	Not Subject to 12X
West Virginia	Yes	Yes	No	02/11/17
Wisconsin	No	Yes	No	01/01/20
Wyoming	No	No	Yes	03/06/22

## **September 15, 2022 Updates to the Covered State List**

Effective September 15, 2022, the following states are added to the Covered State List based on recent legislative actions meeting the definition of Covered State under Articles I, II, or III of Chapter 12X.

- **Article I – Anti-LGBTQ Laws:**

- Arizona - passed SB 1399, which allows adoption and foster care agencies to discriminate against LGBTQ+ people; passed SB 1138, which bans gender-affirming surgeries for transgender youth; passed SB 1165, which bans transgender students from participating in school sports consistent with their gender identity.
- Georgia – passed HB 1084, which allows transgender students to be banned from participating in school sports consistent with their gender identity.
- Indiana – passed HB 1041, which bans transgender students from participating in school sports consistent with their gender identity.
- Louisiana - passed SB 44, which bans transgender students from participating in school sports consistent with their gender identity.

- **Article II – Anti-Abortion Laws:**

- Arizona currently allows abortion services (up to 24-26 weeks) based on law in effect prior to the Court’s decision overturning Roe. However, Arizona Governor Doug Ducey recently signed into law SB 1164, which will prohibit abortions after 15 LMP. This new restriction on abortions is set to take effect on September 24, 2022. A total ban, enacted in 1901, was enjoined following the Court’s 1973 decision in Roe, and there are now efforts to have this injunction lifted. A Pima County Superior Court judge is expected to rule on which of the several Arizona abortion laws is in effect.
- Idaho has a near total abortion ban in effect. The statute, Idaho Code § 18-622, criminalizes the performance or attempted performance of an abortion by a medical professional and allows for no exceptions. The US Department of Justice challenged the law, arguing that it conflicted with the Emergency Medical Treatment and Labor Act (EMTLA) that requires doctors to stabilize patients in emergencies, which can include abortions. In a recent decision, U.S. District Court Judge Winmill temporarily blocked application of Idaho’s law in medical emergencies when it conflicts with federal law.
- Missouri bans nearly all abortions, with exceptions only in cases of a medical emergency.
- North Carolina now prohibits abortion after 20 weeks LMP.
- Tennessee prohibits abortions except for cases of life endangerment.
- Utah now prohibits abortions after 18 weeks LMP. HB 136 became effective following the Court’s decision to overturn Roe v. Wade.

- **Article III – Voter Suppression Laws:**

- No changes made

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If you have questions or require further clarification on City-funded travel, please contact your Financial Officer or accountant representative.