

**CITY OF CARBONDALE, ILLINOIS  
ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE ONE OF THE CARBONDALE REVISED CODE  
BY ADDING CHAPTER EIGHTEEN ENSURING THE FREEDOM TO BODILY  
AUTONOMY IN MEDICAL CARE FOR PERSONS SEEKING SERVICES THAT  
HAVE BEEN PROHIBITED BY OTHER JURISDICTIONS**

**ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF CARBONDALE, ILLINOIS  
ON THE 11<sup>th</sup> DAY OF JULY 2023**

**Published in pamphlet form by the authority of the City Council of the City of Carbondale,  
Jackson County, Illinois, on this 12<sup>th</sup> day of July 2023.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified and acting City Clerk of the City of  
Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify  
that this Ordinance was published in pamphlet form by the authority of the City Council  
on the 12<sup>th</sup> day of July 2023.**

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**Jennifer R. Sorrell, City Clerk**

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**WHEREAS**, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, Title One, of the Carbondale Revised Code directs the actions of Agencies, Officers and Employees of the City of Carbondale; and

**WHEREAS**, several States have passed laws that restrict the freedom to bodily autonomy as it relates to reproductive health care and gender affirming health care; and

**WHEREAS**, the City Council for the City of Carbondale finds these restrictive laws to go against the natural born freedoms endowed to all persons; and

**WHEREAS**, the City Council for the City of Carbondale finds that jurisdictions that pass such restrictive laws are violating the freedoms of their residents and forcing their residents to travel beyond the borders of those jurisdictions to seek out necessary medical care; and

**WHEREAS**, the Council of the City of Carbondale finds that it is in the best interest of the health, safety, and welfare of the City of Carbondale to prohibit the employees, officers, and Departments from providing assistance in enforcing restrictive laws related to medical care by amending Title One of the Carbondale Revised Code by adding Chapter Eighteen.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** That Title One of the Revised Code of the City of Carbondale, is hereby amended by adding Chapter Eighteen, which shall read as shown in Attachment “A” attached hereto and incorporated herein.

**SECTION 2.** All of the remaining Sections of Title One of the Carbondale Revised Code shall remain in full force and effect.

**SECTION 3.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 4.** The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance shall be construed as a continuation of said prior ordinance.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
Carolyn Harvey, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

## **CHAPTER 18 HUMAN RIGHTS**

### **1-18-1: DEFINITIONS:**

For purposes of Chapter, the following definitions shall apply:

**DEPARTMENT:** Every City department, department, 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:** Any person employed by or acting on behalf of a department.

**BODILY AUTONOMY:** Self-governance over one's own reproductive options and gender identity, including reproductive health care and gender-affirming care.

**GENDER-AFFIRMING CARE:** All services, supplies, drug therapies, and other care that an individual may receive to support and affirm the individual's gender identity.

**MEDICAL CARE:** Any health care offered, arranged, or furnished which includes but not limited to gender-affirming care, reproductive health care, mental health care, vaccinations, and medical testing

**REPRODUCTIVE HEALTH CARE:** Any 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:** 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 medical care.

### **1-18-2: POLICY ON HUMAN RIGHTS:**

It is the policy of the City of Carbondale to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city. The City Council of the City of Carbondale hereby declares and affirms:

- A. That prejudice, intolerance, bigotry, and the discrimination occasioned thereby, and sexual harassment, threaten the rights and proper privileges of the city's inhabitants and menace the institutions and foundation of a free and democratic society; and
- B. That behavior which denies equal treatment to any individual because of that individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, or criminal record or criminal history undermines civil order and deprives persons of the benefits of a free and open society.
  - a. Use of credit history in determining the credit worthiness of an applicant seeking a loan in which the City is the originator or is acting as a fiduciary for another governmental agency, in which the City has a fiduciary duty to the tax payers of the City of Carbondale.
  - b. Use of criminal record or criminal history:
    - i. In determining the employment of a person in which there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held, or the granting or continuation of the employment would involve an unreasonable risk to property, or
    - ii. The safety or welfare of specific individuals or the general public.
- C. Nothing in this chapter shall be construed as supporting or advocating any particular way of being. To the contrary, it is the intention of this chapter that all persons be treated fairly and equally and it is the express intent of this chapter to guarantee to all of our residents fair and equal treatment under law.

### **1-18-3: POLICY ON BODILY AUTONOMY:**

The City respects the fundamental right of individuals to make autonomous decisions about medical care. The City will work to protect people's medical care choices and will not aid or assist in the 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, medical care.

#### **1-18-4: ENFORCEMENT:**

No agent or department of the City of Carbondale shall:

- A. 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 any of the following:
  - 1. The provision or receipt of, or any inquiry concerning, medical care that is legal in the State of Illinois; or
  - 2. Any assistance given to any person or entity that relates to the provision or receipt of, or any inquiry concerning, medical care that is legal in the State of Illinois.
- B. Participate in any criminal or civil legal action or operation related to the enforcement of a restrictive law.
- C. Stop, arrest, detain, or continue to detain an individual, or transfer an individual into the custody of another jurisdiction, based solely on the enforcement of 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.
- D. Permit law enforcement of another jurisdiction to:
  - 1. Gain access, including by telephone, to an individual being detained by, or in the custody of, the department or agent for purposes of investigative interviews in relation to a foreign investigation for enforcement of a restrictive law; or
  - 2. Permit the use of department facilities or data for investigative interviews or other investigative purpose in relation to a foreign investigation for enforcement of a restrictive law.
- E. Use any City resource, 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.
- F. The City will object to any subpoena or requests for information from any out-of-state person or entity for the purposes of investigating a law criminalizing medical care as set forth in this Title or creates civil liability for medical care.

#### **1-18-5: GENERAL AND MISCELLANEOUS PROVISIONS:**

The City Manager shall develop personnel policy and procedures that are consistent with the intent of this ordinance, and shall notify the City Council of any such policy and procedures.