City of Greenfield Gender Identity Protection Ordinance

(FINAL) DRAFT — Revised September 14, 2026 2:15pm

CITY OF GREENFIELD ORDINANCE NO. 2026-IN CITY

COUNCIL: _____, 2026

AN ORDINANCE TO PROTECT AND AFFIRM THE GENDER OF ALL INDIVIDUALS

Be it ordained by the Greenfield City Council in session assembled, that the Code of Ordinances of the City of Greenfield is hereby amended by adding the following Chapter:

Section 1. Purpose

The purpose of this ordinance is to affirm Greenfield's commitment to upholding the dignity, equality, and rights of all individuals to live as their full, authentic selves, regardless of gender identity or gender expression; to protect access to essential services by individuals of all gender identities and expressions without fear of discrimination, criminalization, or legal repercussion; and to clarify that our city will not participate in any criminal or civil action or proceeding originating from other states that purports to criminalize or otherwise penalize gender affirming health care services protected by Massachusetts law."

Section 2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

(a) CITY AGENT: Any employee or officer of the City of Greenfield, whether full time or part time, regular or seasonal, any intern or volunteer when acting on behalf of the City of Greenfield, any contractor for the City of Greenfield while a contract between the City of Greenfield and said contractor is in effect, and any recipient of City funding, grants, awards, or appropriations.

(b) GENDER IDENTITY: A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose, in accordance with M.G.L. c.4 §7, clause 59th.

(c) GENDER-AFFIRMING HEALTHCARE: All medical, surgical, counseling, or referral services, including telehealth services, that an individual may receive to support and affirm the individual's gender identity or gender expression.

(d) GENDER EXPRESSION: The external representation of gender as expressed by an individual including, but not limited to, through clothing, haircut, behavior, voice, or body characteristics.

(e) INTERSEX: An umbrella term for people with sex traits (such as chromosomes, hormones, gonads, or genitals) that do not fit binary notions of male or female bodies. Intersex sex traits may be visible at birth, emerge during puberty, or remain undetected until later in life.

(f) LGBTQIA+: Individuals who identify as lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual, or other diverse sexual orientations and gender identities.

(g) SEXUAL ORIENTATION: An inherent or immutable enduring emotional, romantic or sexual attraction to other people. An individual's sexual orientation is independent of their gender identity. This term shall not include sexual orientation involving minor children as the sex object.

(h) TRANSGENDER: An individual whose gender identity is different from the binary gender (man or woman) corresponding to their assigned sex at birth, and encompasses binary, non-binary, two spirit, and gender expansive identities.

Section 3. Equal & Dignified Treatment of All Individuals

(a) All Greenfield city agents shall treat all employees, applicants, contractors, and members of the public with dignity and respect, regardless of gender expression, gender identity, sexual orientation, or LGBTQIA+ status.

(b) An individual's gender expression, gender identity, sexual orientation, or LGBTQIA+ status shall have no bearing on an individual's treatment by any city agent.

(c) City agents shall not harass, discriminate, or retaliate against anyone based on their gender expression, gender identity, sexual orientation, or LGBTQIA+ status.

Section 4. Employee Protection

(a) "Gender identity," "gender expression," and "sexual orientation" shall be included in the list of protected classes in all City non-discrimination, anti-harassment, and equal employment opportunity policies in violation of this ordinance.

(b) In the workplace and in the provision of city services, the intentional and repeated use of a name, pronoun, or gender marker inconsistent with an individual's stated gender identity, after that individual has informed the relevant city agent of their correct name, pronoun, or gender marker, shall constitute harassment.

This section shall not be construed to penalize good-faith mistakes or occasional errors that are promptly corrected, nor to restrict speech protected under the First Amendment to the United States Constitution or Article XVI of the Massachusetts Declaration of Rights, including public comment at City Council or other public meetings. Nor does this section prohibit use of a person’s name, pronoun or gender marker inconsistent with the person’s stated gender identity if such use is required by law.

(c) Except as otherwise required by law, City of Greenfield departments shall change an employee's name, pronouns, biological sex marker, and gender in all personnel and administrative records upon the employee's request, including internal and external personnel directories, e-mail address and business cards.

(d) At the request of an employee, the City of Greenfield shall accommodate employees who are transitioning gender in accordance with Massachusetts law. Examples include, but are not limited to, supporting staff in using updated names and/or pronouns for the employee and coordinating appropriate and reasonable time off in the event of medical transition that requires a leave of absence.

(e) Any anti-bias training for city employees shall consider gender expression, gender identity and sexual orientation unless a particularized training not including these protected classes is mandated by a state or federal agency or tribunal or unless the anti-bias training is in response to a specific workplace event(s) that does not implicate gender expression, gender identity and sexual orientation.

(f) The City of Greenfield shall endeavor, when possible, to prioritize health insurance plans that cover gender affirming care.

Section 5. Requests for Information or Assistance

(a) No city agent shall request, collect, or retain information regarding an individual's gender identity, gender expression, transgender status, or receipt of gender-affirming health care services nor shall it be used for any purpose other than what is reasonably necessary to provide the specific city service requested or to fulfill a specific legal obligation, except as otherwise required by state or federal law.

(b) Any such information that is collected shall be retained only for the minimum period necessary for that purpose, consistent with the City's applicable records retention schedule, and shall not be shared, sold, or

disclosed to any third party except as otherwise required by law or with the informed, written consent of the individual to whom the information pertains.

(c) Consistent with G.L. ch. 4 §7(26)(c), personnel and medical files or information and any other materials or data related to the provision of gender-affirming health care services for any person, including individuals who are not residents of the City of Greenfield or the Commonwealth of Massachusetts, held by any city agent in their capacity as a city agent shall be kept confidential and shall not be disclosed in response to a public records request.

(d) If a city agent receives a subpoena, warrant, court order, or other legal demand seeking disclosure of information

relating to an individual's gender identity, gender expression, or gender-affirming health care services, and such disclosure is not otherwise required to be made without notice, the City shall make reasonable efforts to notify the individual whose information is sought prior to disclosure unless such notice is itself prohibited by statute, court order, or other applicable law.

(e) No city agent may provide information or assistance to any state or federal law enforcement agency or any private citizen or quasi-law enforcement agent in relation to any investigation, inquiry, or civil or criminal action regarding gender-affirming healthcare or any action targeting an individual based on their LGBTQIA+ identity if such services or identities are lawfully recognized and protected in the Commonwealth; provided that they are not required to provide information or assistance by Massachusetts or Federal laws or regulations. No city resources, material, or funds shall be used in the provision of such information unless required by law.

(g) Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

Section 6. Role of the Police Department

(a) No city agent shall initiate investigations or take law enforcement action on the basis of an individual seeking or providing gender-affirming healthcare or on the basis of an individual's gender identity or sexual orientation, unless required by law.

(b) Pursuant to G.L. c. 147, §63 no city agent shall hold a person, regardless of residency, for seeking, receiving, causing, aiding in access to, aiding or abetting or providing, or attempting or intending to seek, receive, cause, aid in access to, aid or abet, or provide gender-affirming health care services, if such services are legally-protected health care activities in the Commonwealth of Massachusetts, except as required by federal law or by the order of a court of competent jurisdiction.

(c) Consistent with state law, any person held in custody by the Greenfield Police Department shall not be remanded, transferred, or extradited to another jurisdiction for having sought, received, caused, aided in accessing, aided or abetted, or provided, or attempted or intended to seek, receive, cause, aid in access to, aid or abet, or provide gender-affirming health care services, if such services are legally-protected health care activities, except as required by federal law or the order of a court of competent jurisdiction or except where the person’s conduct that is the subject of the investigation or proceeding would subject the person to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in the Commonwealth.

Section 7. Provision of Municipal Services

(a) All single-use public restrooms in public buildings shall be marked gender neutral.

(b) In all future city buildings, there will be at least one single-use, gender-neutral restroom.

(c) Consistent with MGL c.272, §92A, all individuals shall have the right to use multi-user restrooms, locker rooms, and other sex-segregated or gender-segregated facilities in city buildings and at city-sponsored events consistent with their gender identity. No city agent shall require an individual to provide proof of gender

identity, medical documentation, or identification inconsistent with their gender identity as a condition of accessing such facilities.

Section 8. Enforcement

(a) Allegations of violations of this ordinance may be filed by any method provided for filing of complaints in the city such as, but not limited to, bringing a complaint to the Human Resources Department, Human Rights Commission, or Public Safety Committee.

(c) A violation of this ordinance constitutes an injury and a rebuttable presumption of harm to the individual (i) who sought or provided gender affirming care and/or (ii) who was targeted on the basis of their gender expression, gender identity, or sexual orientation in a manner prohibited by this ordinance.

(d) Any city agent who fails to comply with this article or with any state regulation pertaining to gender-affirming health care shall be subject to the discipline policies of the City of Greenfield, union contract, and any

penalties provided by state law.

(e) Any city contractor found to have violated this article shall be subject to review and potential termination of contract.

(f) Nothing in this ordinance shall be construed to limit or affect any individual's rights under state or federal laws.

Section 9. Effective Date

(a) The stipulations in this ordinance shall be effective immediately upon passage.

(b) The City of Greenfield and its department shall develop and implement any practical policies, practices, procedures, directives, and training necessary to effectively and faithfully meet the requirements of this ordinance within a reasonable time after passage.

(c) These policies, practices, procedures, directives and training materials shall be forwarded to the city council within ten (10) business days after they’re created and shall be shared as part of the following city council agenda.

Section 10. Severability

The provisions in this ordinance are severable. If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall continue to have full force and effect.