

1 [Administrative Code - Definitions of Prohibited Discrimination in Contracting Ordinances and
2 Human Rights Commission Ordinance]

3 **Ordinance amending the Administrative Code to revise the definitions of gender**
4 **identity, sex, and sexual orientation, and add the definition of gender expression, in**
5 **Chapters 12B and 12C (ordinances prohibiting discrimination in contracting including**
6 **property contracts); revise the definition of age in Chapters 12A (the Human Rights**
7 **Commission ordinance) and 12B; and revise the definition of disability in Chapters**
8 **12A, 12B, and 12C.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Chapter 12A of the Administrative Code is hereby amended by revising
16 Section 12A.3, to read as follows:

17 **SEC. 12A.3. SCOPE OF ORDINANCE.**

18 This ordinance applies to all discriminatory practices and to resulting intergroup
19 tensions specifically covered by the provisions of this ordinance that occur within the territorial
20 limits of or within any agency under the jurisdiction of the City and County of San Francisco
21 and to the extent permitted by law, to activities outside this City and County which reasonably
22 affect such practices and tensions within said territorial limits. Nothing in this ordinance,
23 however, shall be interpreted or applied so as to create any power or duty in conflict with the
24 preemptive effect of any federal or State law.

25 (a) As used in this Chapter 12A, the term:

1 "Age" refers to and shall include any person who has attained the age of 40 years
2 ~~and has not attained the age of 65 years.~~

3 * * *

4 "Disability" is a physical or ~~mental~~ mental impairment which ~~substantially~~ limits one or
5 more major life activities, ~~is~~ and includes being regarded as having such an impairment, or
6 ~~has~~ing a record of such an impairment.

7
8 Section 2. Chapter 12B of the Administrative Code is hereby amended by revising
9 Section 12B.1, to read as follows:

10 **SEC. 12B.1. ALL CONTRACTS AND PROPERTY CONTRACTS TO INCLUDE**
11 **NONDISCRIMINATION PROVISIONS; DEFINITIONS.**

12 * * *

13 (c) Definitions. As used in this Chapter 12B, the following words and phrases shall
14 have the meanings indicated herein:

15 "Age" shall mean the age of any employee or applicant for employment who has
16 attained the age of 40 years ~~and has not attained the age of 65 years.~~ For the purposes of this
17 Chapter, discrimination because of age shall mean dismissal from employment of, or refusal
18 to employ or rehire any person because of ~~his or her~~ their age, if such person has attained the
19 age of 40 years ~~and has not attained the age of 65 years~~, if the person is physically able and
20 mentally competent to perform the services required. Age limitations of apprenticeship
21 programs in which the State or its political subdivisions participate shall not be considered
22 discriminatory within the meaning of this Chapter.

23 * * *

1 "Disability" shall mean a physical or mental impairment which ~~substantially~~ limits one or
2 more major life activities, and includes being regarded as having such an impairment, or having a
3 record of such an impairment.

4 * * *

5 "Gender Expression" shall mean the outward expression of one's gender identity, which may
6 include, but is not limited to, clothing, hair styles, gestures, makeup, or behavior which may or may not
7 conform to societal expectations typically related to traits associated with a person's gender identity,
8 sexual orientation, or assigned sex at birth.

9 "Gender identity" shall mean ~~a person's various individual attributes as they are understood~~
10 ~~to be masculine and/or feminine.~~ how a person self-identifies their gender, or their internal
11 understanding of their gender. A person's gender identity may or may not correspond with social
12 norms or stereotypes related to the sex they were assigned at birth. There are many terms related to
13 gender with which a person may identify, including but not limited to: agender; androgynous;
14 bigender; cisgender; cisgender man; cisgender woman; gender fluid; gender non-conforming; gender-
15 expansive; genderqueer, non-binary, pangender, Two-Spirit, transgender, trans, transgender man,
16 transgender woman, masculine, and feminine. One's gender identity may be described through any
17 number of ever-expanding terms or definitions, and one's gender identity may be subject to change by
18 the individual.

19 * * *

20 "Sex" shall mean ~~the character of being male or female.~~ one's anatomical, physiological,
21 genetic, or physical attributes, and the variation in these attributes that may or may not indicate male,
22 female, or a different sex such as intersex. These attributes may include but are not limited to both
23 primary and secondary sex characteristics, including internal and external reproductive organs,
24 hormone levels, hormone receptors, chromosomes and genes, all of which may change over time. A
25 person's sex may or may not align with their gender identity.

1 “Sexual orientation” shall mean ~~the status of being lesbian, gay, bisexual or heterosexual.~~
2 one’s physical, emotional, romantic, or sexual attraction to people of a particular gender or multiple
3 genders, or lack thereof, and is distinct from their gender expression or gender identity. A person’s
4 sexual orientation may be identified by terms including, but not limited to, asexual, bisexual, gay,
5 lesbian, heterosexual, homosexual, pansexual, and queer.

6
7 Section 3. Chapter 12C of the Administrative Code is hereby amended by revising
8 Section 12C.2, to read as follows:

9 **SEC. 12C.2. DEFINITIONS.**

10 As used in this Chapter 12C, the term:

11 * * *

12 “Disability” is a physical or mental impairment which ~~substantially~~ limits one or more
13 major life activities, and includes being regarded as having such an impairment, or having a record
14 of such an impairment.

15 * * *

16 “Gender Expression” shall mean the outward expression of one’s gender identity, which may
17 include, but is not limited to, clothing, hair styles, gestures, make up, or behavior which may or may
18 not conform to societal expectations typically related to traits associated with a person’s gender
19 identity, sexual orientation, or assigned sex at birth.

20 “Gender identity” shall mean ~~a person’s various individual attributes as they are understood~~
21 ~~to be masculine and/or feminine.~~ how a person self-identifies their gender, or their internal
22 understanding of their gender. A person’s gender identity may or may not correspond with social
23 norms or stereotypes related to the sex they were assigned at birth. There are many terms related to
24 gender with which a person may identify, including but not limited to: agender; androgynous;
25 bigender; cisgender; cisgender man; cisgender woman; gender fluid; gender non-conforming; gender-

1 expansive; genderqueer, non-binary, pangender, Two-Spirit, transgender, trans, transgender man,
2 transgender woman, masculine, and feminine. One's gender identity may be described through any
3 number of ever-expanding terms or definitions, and one's gender identity may be subject to change by
4 the individual.

5 * * *

6 "Sex" shall mean ~~the character of being male or female.~~ one's anatomical, physiological,
7 genetic, or physical attributes, and the variation in these attributes that may or may not indicate male,
8 female, or a different sex such as intersex. These attributes may include but are not limited to both
9 primary and secondary sex characteristics, including internal and external reproductive organs,
10 hormone levels, hormone receptors, chromosomes and genes, all of which may change over time. A
11 person's sex may or may not align with their gender identity.

12 "Sexual orientation" shall mean ~~the status of being lesbian, gay, bisexual or heterosexual.~~
13 one's physical, emotional, romantic, or sexual attraction to people of a particular gender or multiple
14 genders, or lack thereof, and is distinct from their gender expression or gender identity. A person's
15 sexual orientation may be identified by terms including, but not limited to, asexual, bisexual, gay,
16 lesbian, heterosexual, homosexual, pansexual, and queer.

17
18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4
5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ Zachary Porianda
8 ZACHARY PORIANDA
9 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220702

Date Passed: December 06, 2022

Ordinance amending the Administrative Code to revise the definitions of gender identity, sex, and sexual orientation, and add the definition of gender expression, in Chapters 12B and 12C (ordinances prohibiting discrimination in contracting including property contracts); revise the definition of age in Chapters 12A (the Human Rights Commission ordinance) and 12B; and revise the definition of disability in Chapters 12A, 12B, and 12C.

October 24, 2022 Rules Committee - CONTINUED TO CALL OF THE CHAIR

November 14, 2022 Rules Committee - RECOMMENDED

November 29, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

December 06, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220702

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/6/2022 by the Board of Supervisors of the City and County of San Francisco.

f Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

12/16/22

Date Approved