**M E M O R A N D U M**

DATE: xx/xx/xxxx

TO: DPH Central Admin Fiscal Unit

FROM: Dr. Grant Colfax, Director of Health

**SUBJECT: Exception/Non-Applicability Waiver for Travel to Covered State**

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| --- | --- |
| **Event Name or Purpose** |  |
| **Destination** |  |
| **Traveler Name(s)** |  |
| **Travel Date(s)** |  |

**Background:**

[Administrative Code Section 12X](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter12xprohibitingcitytravelandcontra?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_12X.4) (ordinance no. 189-16) prohibits City-funded travel to States that have enacted laws after June 26, 2015, reversing anti-discrimination protections for LGBT individuals or that permit discrimination against LGBT individuals. On September 9, 2019, the Board of Supervisors enacted and amended ordinance no. 200-19 expanding the Covered State List by adding Article II (States with Restrictive Abortion Laws). On [October 16, 2019](https://sfgsa.org/sites/default/files/Document/State%20List%20Update%2010-16-19%20%28PDF%29.pdf), the [Office of the City Administrator](https://sfgsa.org/chapter-12x-state-ban-list) released a memo finalizing the list. In that regard, the City shall not:

(1) Require any of its employees or officers to travel to a state on the Covered State List; or (2) Approve a request for City-funded travel to a state on the Covered State List.

Also, as per sections 12X.4(c) and 12X.14(c), “travel” does not include landing in a state by plane to make a connecting flight to a destination outside that state, or traversing a state by automobile, train, bus, or otherwise, to reach a destination outside that state.

**Approval:**

In accordance with the Administrative Code sections **12X.4(b)** and **12X.14(b)** covering Article I and II respectively, travel by City employee(s) are exempted from the travel ban, if:

1. necessary for the enforcement of any state or City law;
2. necessary for the defense of any legal claim against the City;
3. required by law;
4. required to meet contractual obligations incurred by the City;
5. necessary for the protection of public health, welfare, or safety.

Please explain in detail why this travel waiver is needed>>