

RESOLUTION 2024-14

TO PROTECT INDIVIDUALS SEEKING GENDER AFFIRMING CARE

WHEREAS, in 2023, the Indiana General Assembly passed Senate Bill 480, banning gender-affirming healthcare for transgender and gender diverse Hoosiers under the age of 18; and

WHEREAS, gender affirming healthcare has been proven to be evidence-based, medically necessary, and lifesaving by the American Medical Association¹, the American Academy of Child and Adolescent Psychiatry², the American Academy of Pediatrics³, the Endocrine Society⁴, the American Psychiatric Association⁵, and the World Professional Association for Transgender Health⁶, among other institutions; and

WHEREAS, studies have shown that gender transition, including access to gender-affirming healthcare, improves the overall wellbeing of transgender people and that access to gender-affirming healthcare for youth is associated with better mental health outcomes and lower risks of suicide⁷; and

WHEREAS, multiple healthcare institutions across the country, including in Indiana, have scaled back or have considered scaling back gender-affirming healthcare services in response to legal challenges, perception of legal risk, harassment, or threats of violence; and

WHEREAS, it is necessary and appropriate to exercise the authority vested in the City of Bloomington, including the coordinated and integrated direction, supervision, and control of all City of Bloomington departments, boards, commissions, and other agencies, to protect healthcare professionals and persons lawfully seeking, receiving, and assisting another individual in seeking or receiving gender-affirming healthcare in the City of Bloomington; and

WHEREAS, Bloomington Municipal Code Section 2.23.110 sets out the policy of the City of Bloomington to not discriminate on the basis of sex, sexual orientation, or gender identity; and

WHEREAS, the Bloomington/Monroe County Human Rights Commission is charged by the City of Bloomington and by Monroe County with investigating complaints filed with the Commission and with enforcing the respective Human Rights Ordinances of both the City of Bloomington and Monroe County; and

WHEREAS, the Bloomington/Monroe County Human Rights Commission fully supports this resolution, the draft of which was approved by the Commission on January 22, 2024;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

¹ Advocacy Update, American Medical Association, AMA Fights to Protect Health Care for Transgender Patients, Mar. 26, 2021, <https://www.ama-assn.org/health-care-advocacy/advocacy-update/march-26-2021-state-advocacy-update>.

² Policy Statement, American Academy of Child & Adolescent Psychiatry, AACAP Statement Responding to Efforts to Ban Evidence-Based Care for Transgender and Gender Diverse Youth, Nov. 8, 2019, https://www.aacap.org/AACAP/Latest_News/AACAP_Statement_Responding_to_Efforts-to_ban_Evidence-Based_Care_for_Transgender_and_Gender_Diverse.aspx.

³ News Release, American Academy of Pediatrics, AAP Policy Statement Urges Support and Care of Transgender and Gender-Diverse Children and Adolescents, Sept. 17, 2018, <https://www.aap.org/en/news-room/news-releases/aap/2018/aap-policy-statement-urges-support-and-care-of-transgender-and-gender-diverse-children-and-adolescents/>.

⁴ Press Release, Endocrine Society, Discriminatory Policies Threaten Care for Transgender, Gender-Diverse Individuals, Dec. 16, 2020, <https://www.endocrine.org/news-and-advocacy/news-room/2020/discriminatory-policies-threaten-care-for-transgender-gender-diverse-individuals>. See also Position Statement, Endocrine Society, Transgender Health, Dec. 16, 2020, <https://www.endocrine.org/advocacy/position-statements/transgender-health>.

⁵ News Release, American Psychiatric Association, Frontline Physicians Oppose Legislation That Interferes in or Criminalizes Patient Care, Apr. 2, 2021, <https://www.psychiatry.org/newsroom/news-releases/frontline-physicians-oppose-legislation-that-interferes-in-or-criminalizes-patient-care>.

⁶ E. Coleman et al., *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, International Journal of Transgender Health, Sep. 15, 2022, <https://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644>.

⁷ Diana M. Tordoff et al., *Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care*, JAMA network open, Feb. 25, 2022, at 1, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423>.

Section 1. The Mayor and Council hereby declare the City of Bloomington a Safe Haven for Gender Affirming Healthcare, adopting the following Gender-Affirming Healthcare Policy:

Gender-affirming healthcare is defined as any combination of medical, surgical, mental health, and non-medical services designed to support and affirm an individual's gender identity.

1. City personnel shall not impose administrative penalties on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise required by law.
2. In the event any law or regulation is passed in the State of Indiana that imposes civil liability, administrative penalties, or professional sanctions on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, city personnel shall make enforcement of said law or regulation a low priority.
3. City personnel shall not enforce laws of other jurisdictions that impose civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise required by law.
4. City personnel shall not respond to any request for information from another jurisdiction if the request is related to that jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise required by law.
5. City personnel shall not enforce or facilitate the collection of any judgment of another jurisdiction to the extent the judgment arises out of a cause of action in that jurisdiction based on providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise provided by law.

Section 2. If any section, sentence or provision of this resolution, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Daily and Councilmember Flaherty and comes forward on the recommendation of the Bloomington/Monroe County Human Rights Commission. The resolution acknowledges the importance of access to gender affirming healthcare and notes that such access has come under recent threat. The resolution adopts a Gender-Affirming Healthcare Policy to be followed by city personnel.