

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator / Deputy Attorney

Date: June 7, 2024

Re: [Resolution 2024-14](#) – To Protect Individuals Seeking Gender Affirming Care

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.

Relevant Materials

- [Resolution 2024-14](#)
- Memo from Sponsors, Councilmembers Courtney Daily & Matt Flaherty
- Bloomington/Monroe County Human Rights Commission Proposed Resolution
- Community Advisory on Public Safety Resolution 23-01
- Gender-Affirming Care Fact Sheet from HHS Office of Population Affairs
- Report from UCLA Williams Institute on Trans Youth Health Care Bans
- American Academy of Pediatrics News Release & Policy Statement on Gender-Affirming Care
- Endocrine Society Position Statement on Transgender Health

Summary

This resolution, sponsored by Councilmembers Daily and Flaherty, comes at the request of the Bloomington/Monroe County Human Rights Commission (HRC). The Bloomington/Monroe County HRC considered this item at several of its meetings following the Indiana General Assembly's passage of [Senate Bill 480](#) in April 2023. The Bloomington/Monroe County HRC unanimously passed its Safe Haven from Anti-Transgender Laws Statement (included herein) at its [January 2024](#) meeting. Subsequent HRC meetings this year included updates about the status of SB 480 in the courts and included discussions about bringing forward this resolution.

The Community Advisory on Public Safety Commission also passed a resolution (included herein) at its [November 2023](#) meeting calling for the city to declare itself a Safe Haven for Transgender Youth and adopt a policy consistent with formally condemning any state action to abrogate the fundamental liberties of gender diverse youth.

Both commissions considered Kansas City, Missouri City Council's [Resolution No. 230385](#), entitled "Declaring the City of Kansas City a Safe Haven for Gender-Affirming Healthcare through adoption of a Gender-Affirming Healthcare Policy," which was [passed by the Kansas City Council on May 11, 2023](#) in the wake of the [Missouri General Assembly passing legislation](#) prohibiting transgender youth from accessing gender affirming care. The language of proposed [Resolution 2024-14](#) was modeled off of Kansas City, Missouri's resolution.

Background on Indiana SB 480

Indiana SB 480 was signed into law by Governor Holcomb on April 5, 2023. SB 480 was supposed to go into effect on July 1, 2023, with a weaning provision allowing transgender youth who already had access to gender-affirming healthcare to continue accessing such care until December 31, 2023. The ACLU [filed a class action lawsuit](#) against the bill on the same day it was signed into law. The ACLU argued for and received a preliminary injunction temporarily stopping the bill from going into effect before the case could be fully argued at trial. The state appealed. On February 27, 2024, a panel of the 7th Circuit Court of Appeals stayed the injunction, which meant that SB 480 went into immediate effect the next day. The 7th Circuit denied rehearing. The ACLU may choose to consider additional avenues for further litigation. At this time, SB 480 remains in effect.

Effect of this Resolution

This resolution would implement a city-wide Gender-Affirming Healthcare policy that clarifies, as permitted by law, the city's priorities for enforcement of other laws or regulations passed by the state or other jurisdictions requesting information about; facilitating the collection of a judgment for; or imposing liability, penalties, or sanctions for receiving or assisting receipt of gender-affirming healthcare.

The policy would define gender-affirming healthcare and would direct city personnel to follow the policies described below, with the caveat that all personnel must follow any requirements of state or federal law, including those that might conflict with these policies:

- city personnel should not impose any penalties on people who provide, look for, receive, or help someone else receive gender-affirming healthcare;
- clarify that the city's priorities are low for enforcing any state law imposing various penalties for providing, looking for, receiving, or helping someone else receive gender-affirming healthcare;
- city personnel should not enforce laws of other states that impose various penalties on people who provide, look for, receive, or help someone else receive gender-affirming care;
- city personnel should not respond to requests for information from other states if those requests for information will be used to impose various penalties on people who provide, look for, receive, or help someone else receive gender-affirming healthcare; and
- city personnel should not help collect judgments from other states when those judgments come from private causes of action established by those states against people who provide, look for, receive, or help someone else receive gender-affirming care.

The sponsors are unaware of a fiscal impact to the City.

Contact

Councilmembers Courtney Daily & Matt Flaherty and the Office of the Common Council, 812-349-3409, council@bloomington.in.gov