



LGBTQ QUALITY OF LIFE ADVISORY COMMISSION

RECOMMENDATION 20230212-7 FOR TRANSGENDER PROTECTIONS

BE IT RESOLVED, Except to the extent required by law, it is the policy of the City that no City personnel, funds, or resources shall be used to investigate, criminally prosecute, impose administrative penalties on, or terminate or limit the eligibility for City funding, such as grants or contracts, an individual or organization for providing to or assisting a transgender or nonbinary individual with healthcare or for receiving or seeking such care. It is also the policy of the City to protect the welfare and safety of those who identify or are perceived as LGBTQ and those who provide services and support to such individuals through the vigorous enforcement of hate crimes, anti-discrimination laws, and other forms of support.

BE IT FURTHER RESOLVED If any law or regulation of the State of Texas imposes criminal punishment, civil liability, administrative penalties, or professional sanctions on an individual or organization for providing to or assisting a transgender or nonbinary individual with healthcare or for receiving or seeking such care, City personnel shall make enforcement of said law or regulation their lowest priority.

BE IT FURTHER RESOLVED Except to the extent required by law, City personnel shall not enforce laws of other jurisdictions that impose criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing to or assisting a transgender or a nonbinary individual with healthcare or seeking or receiving such care and shall decline any request to stop, arrest, detain, continue to detain, or transfer into the custody of any other law enforcement, individuals based on such conduct being criminalized, penalized, or sanctionable in said jurisdiction.

BE IT FURTHER RESOLVED, Except to the extent required by law, 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 or the investigation thereof, on an individual or organization for providing to or assisting a transgender or nonbinary individual with healthcare or seeking or receiving such care.

BE IT FURTHER RESOLVED Except to the extent required by law, 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 to or assisting a transgender or nonbinary individual with healthcare or seeking or receiving such care.

BE IT FURTHER RESOLVED The policies set forth herein apply only to cases where individuals or organizations are facing criminal or civil action solely for the provision of or assistance in obtaining healthcare for transgender or nonbinary individuals that affirm their gender identity and do not apply to investigation, prosecution, or any other criminal or civil action concerning negligence, malpractice, intentional tort, criminal act other than providing or assisting in obtaining healthcare for transgender or nonbinary individuals, or the breach of rules of professional conduct or licensing in the provision of, assistance in obtaining of, or referral to such healthcare.

BE IT FURTHER RESOLVED In addition to the above, the City Council strongly encourages the Chief of Police to adopt the same or similar policies contained in this Resolution as part of the Austin Police Department's General Orders.



BE IT FURTHER RESOLVED That the City Council directs the City Manager to explore establishing a program or identify resources to aid Austin residents facing potential criminal punishment, civil liability, administrative penalties, or professional sanctions for providing to or assisting transgender individuals with healthcare or for seeking or receiving such care, including but not limited to collaboration with Travis County.

BE IT FURTHER RESOLVED The City Manager is directed to take appropriate steps to implement this Resolution and report back to the City of Austin LGBTQ Quality of Life Commission and the City Council within three months of the passage of this resolution. The City Manager may return to the City Council for authorization of any needed policy clarifications or changes in the event of future changes to federal law, state law, or technology that affect this Resolution.

VOTE

Date of Approval:

Record of the Vote: Adopted without objection on an X-X vote.

Present:

Attest: