



COMMISSION RECOMMENDATION

Human Rights Commission

Draft Number: 20240422-003

Transgender, Sexual Identity, and Gender Identity Protection

WHEREAS, the City of Austin has been one of the fastest-growing cities in the United States for over a decade, resulting in rapidly increasing demands on housing, infrastructure, public safety, and other city resources; and

WHEREAS, in 2023, the Texas state legislature passed legislation restricting or criminalizing access to gender-affirming healthcare across Texas, which was subsequently signed by the governor and became law effective September 1, 2023; and

WHEREAS, as a home-rule city, the City has the authority and responsibility to prioritize the use of its limited resources and taxpayer dollars to address the most urgent needs of all residents, including focusing the use of public safety resources on substantive and broad threats to residents' safety and livelihood; and

WHEREAS the City Council recognizes that families and healthcare providers in Austin are living in uncertainty and fear, and many are considering moving away or have already moved to other states to access medical care for their children or to be able to practice medicine freely in accordance with professional and ethical standards; and

WHEREAS multiple healthcare providers in Texas have scaled back healthcare services in response to legal challenges, perception of legal risk, harassment, or threats of violence; and

WHEREAS gender-affirming healthcare has been proven to be evidence-based, medically necessary, and lifesaving by the American Medical Association, the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatricians, the Endocrine Society, the American Psychiatric Association, and the World Professional Association for Transgender Health, amongst other institutions; and

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

WHEREAS over 94 percent of LGBTQIA+ youth surveyed by the Trevor Project in late 2021 said recent politics have negatively impacted their mental health, and 93 percent of transgender and nonbinary youth surveyed by the Trevor Project in 2022 said they have worried about transgender people being denied access to gender-affirming medical care due to state or local laws; and

WHEREAS a majority of U.S. adults agree that transgender minors should have access to gender-affirming care; and

WHEREAS, the City of Austin has consistently declared its commitment to furthering transgender equity and supporting its transgender and nonbinary community, including proclaiming May 5, 2022, as Y'all Means All Day and March 9, 2022, as Transgender Youth and Family Safety Day, providing supportive services through Austin Public Health, and frequently and consistently partnering with organizations and healthcare providers that provide supportive services to transgender, nonbinary, and gender expansive youth; and

WHEREAS it is necessary and appropriate to exercise the authority vested in the City of Austin City Charter, including the coordinated and integrated direction, supervision, and control of all City of Austin departments, boards, commissions, and other agencies, to protect the safety and wellbeing of all residents, including attracting and keeping qualified and talented healthcare professionals, and to be responsible stewards of taxpayer money by prioritizing the urgent needs of all people.

BE IT FURTHER RECOMMENDED 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, or impose administrative penalties upon: (1) a transgender, nonbinary, or gender expansive individual for seeking healthcare or (2) an individual or organization for providing or assisting with the provision of healthcare to a transgender, nonbinary, or gender expansive individual. The City shall not terminate or limit the eligibility for City funding, such as grants or contracts, to an individual or organization for seeking, providing, or assisting with the provision of healthcare to a transgender, nonbinary, or gender expansive individual.

BE IT FURTHER RECOMMENDED It is the policy of the City to support and protect the health, welfare, and safety of individuals who identify or are perceived as LGBTQIA+ and those who provide services and support to those individuals through the vigorous enforcement of hate crime and anti-discrimination laws and providing other forms of support.

BE IT FURTHER RECOMMENDED If any law or regulation of the State of Texas imposes criminal punishment, civil liability, administrative penalties, or professional sanctions upon (1) a transgender, nonbinary, or gender expansive individual for seeking healthcare or (2) an individual or organization for providing or assisting with the provision of healthcare to a transgender, nonbinary, or gender expansive individual, City personnel shall make enforcement of said law or regulation their lowest priority.

BE IT FURTHER RECOMMENDED 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, upon (1) a transgender, nonbinary, or gender expansive individual for seeking

healthcare or (2) an individual or organization for providing or assisting with the provision of healthcare to a transgender, nonbinary, or gender expansive individual and shall decline any request to stop, arrest, detain, continue to detain, or transfer into the custody of any other law enforcement, individuals on the basis of such conduct being criminalized, penalized, or sanctionable in said jurisdiction.

BE IT FURTHER RECOMMENDED Except to the extent required by law, City personnel shall not affirmatively provide to nor respond to any request for information from another jurisdiction if the information is related to that jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions or the investigation thereof, upon (1) a transgender, nonbinary, or gender expansive individual for seeking healthcare or (2) an individual or organization for providing or assisting with the provision of healthcare to a transgender, nonbinary, or gender expansive individual.

BE IT FURTHER RECOMMENDED 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 against (1) a transgender, nonbinary, or gender expansive individual for seeking healthcare or (2) an individual or organization for providing or assisting with the provision of healthcare to a transgender, nonbinary, or gender expansive individual.

BE IT FURTHER RECOMMENDED 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 gender-affirming healthcare for transgender, nonbinary, or gender expansive individuals that affirms 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 RECOMMENDED The City Council supports the incorporation of the policies contained in this Resolution into the Austin Police Department's General Orders.

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

BE IT FURTHER RECOMMENDED The City Manager is directed to take appropriate steps to implement this Resolution and report back to the City of Austin LGBTQIA+ Quality of Life Commission and the City Council within three months of the passage of this resolution. The City Manager is further directed to 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.

Date of Approval: April 22, 2024

Record of the vote: 9-1 vote.

Chair K. Duhon, D. Bryant, J. Clemmons, M. Davis, M. Aslam, M. Krueger, M. Stevenson, A. Weigel, G. Zeidan supported the motion.

S. Raghavan objected to the motion.

Attest: 

Kolby Duhon
Human Rights Commission, Chair
