
File ID: 2024-00772

3/26/2024

Consent Item 7.

Resolution Declaring the City of Sacramento a Sanctuary City for Transgender People

File ID: 2024-00772

Location: Citywide

Recommendation: Adopt a **Resolution** declaring the City of Sacramento a sanctuary city for transgender people.

Contact: Katie Valenzuela, Councilmember, (916) 808-7004, district4@cityofsacramento.org, Office of Councilmember Valenzuela, District 4

Presenter: None.

Attachments:

- 1-Description/Analysis
- 2-Councilmember Proposal Request Submission
- 3-Resolution

Description/Analysis

Issue Detail: Councilmembers may propose an item, ordinance, program, research, or initiative for council action by submitting a written request to the City Clerk. The process modulates the agenda requests of individual councilmembers by referring those requests to the relevant city council standing committee for review, as appropriate, and in so doing provides clear guidance to the council appointees that their work demands are serving the council as a whole. It also ensures councilmember requests are duly tracked and assigned, thus promoting transparency and accountability.

The attached proposal number 2024-003 was submitted by Councilmember Valenzuela was reviewed by the mayor, in consultation with the city manager, city attorney, and city clerk, and is being referred to the city council for consideration.

This proposal puts forward a draft resolution that would declare the City of Sacramento a sanctuary city for transgender people. The City of Sacramento is already a sanctuary city for immigrants; this proposed resolution would enact the same protections for transgender individuals.

Policy Considerations: Council Rules of Procedure, Chapter 12.

Economic Impacts: See proposal.

Environmental Considerations: See proposal.

Sustainability: See proposal.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: California has been a leader in protecting the rights of transgender individuals to access care, but many states across the nation are moving in the opposite direction. In preparation of future legislation that may criminalize those providing or seeking gender-affirming care and given the Council's stated values of equity and inclusion, it is important for the City of Sacramento to be proactive in reiterating our commitment to transgender rights and equal protections for transgender people by declaring ourselves a sanctuary city and a place of safety for transgender people. This resolution would also resolve to ensure the rights of transgender individuals in Sacramento are upheld, and that no city resources - including staff time - would be used to detain individuals seeking care, or otherwise to cooperate with jurisdictions seeking to enforce laws criminalizing gender affirming care in other jurisdictions.

Financial Considerations: This report does not have a financial impact to the City.

Local Business Enterprise (LBE): See proposal.



COUNCILMEMBER PROPOSAL REQUEST SUBMISSION

Process as outlined in the Council Rules of Procedure, Chapter 12.

Submission Date: 3/13/2024

SUBJECT (brief summary): A Resolution Declaring the City of Sacramento a Sanctuary City for Transgender People

Councilmember Sponsor: Councilmember Katie Valenzuela

Assigned Council Staff Member: Mikayla Taylor

Proposal Summary/Recommendation (*Provide a brief description of the proposal*):

This proposal puts forward a draft resolution that would declare the City of Sacramento a sanctuary city for transgender people. The City of Sacramento is already a sanctuary city for immigrants; this proposed resolution would enact the same protections for transgender individuals.

Rationale for Recommendation (*Identify the issue(s) that this proposal will address*):

California has been a leader in protecting the rights of transgender individuals to access care, but many states across the nation are moving in the opposite direction. In preparation of future legislation that may criminalize those providing or seeking gender-affirming care and given the Council's stated values of equity and inclusion, it is important for the City of Sacramento to be proactive in reiterating our commitment to transgender rights and equal protections for transgender people by declaring ourselves a sanctuary city and a place of safety for transgender people. This resolution would also resolve to ensure the rights of transgender individuals in Sacramento are upheld, and that no city resources – including staff time – would be used to detain individuals seeking care, or otherwise to cooperate with jurisdictions seeking to enforce laws criminalizing gender affirming care in other jurisdictions.

Applicable Council Priority:

- Deferred Maintenance and Infrastructure Investment
- Homelessness
- Housing
- Public Safety

Recommended Priority Level:

- 0-30 days
- 30-60 days

- Greater than 60 days

City Council Committee Review Recommended:

- Budget and Audit Committee (B&A)
- Law and Legislation Committee (L&L)
- Personnel and Public Employees Committee (P&PE)
- Racial Equity Committee (RE)
- City Board, Commission, or Committee Review Recommended (*list advisory body(ies)*):

Do any of the following Council Policy Considerations apply? If so, give a brief explanation:

- DEI:
- Climate Action:

Financial Considerations: n/a

Attachments to Support Summary/Recommendation:

(Please attach and explain council staff research that has been done on this proposal; Include all information received from outside careholders, drafts or examples compiled).

1. Full resolution text is attached.

Mayor’s Review:

Date Reviewed: 03/13/2024

Committee Review Required:

- Budget and Audit Committee (B&A)
- Law and Legislation Committee (L&L)
- Personnel and Public Employees Committee (P&PE)
- Racial Equity Committee
- City Board, Commission, or Committee Review (*list advisory body(ies)*):

Committee Review Exception Applies:

- Urgent matter that requires quick council action.**
- A matter related to a pending council matter.
- A matter that on its face falls fully outside the jurisdiction of the City.
- A matter within the City Manager’s executive function that does not need council authorization.

Department(s) Collaboration Needed:

Mayor’s Additional Direction:

City Council Standing Committee Scheduling:

Transmitted for addition to the following agenda(s) for committee review to initiate staff work on the proposal:

Standing Committee	Tentative Agenda Date
Budget and Audit Committee (B&A)	
Law and Legislation Committee (L&L)	
Personnel and Public Employees Committee (P&PE)	
Racial Equity Committee (RE)	

Proposal will also be made part of the Councilmember Proposal Tracking Log.

City Clerk’s Additional Comments:

A RESOLUTION DECLARING THE CITY OF SACRAMENTO A SANCTUARY CITY FOR TRANSGENDER PEOPLE

Drafted by Abby Smet, Case Fritz, Emily Smet, Jennifer Laurent, PJ Andrews, and Sara Connor of the Sacramento Democratic Socialists of America

WHEREAS, as of the date of this legislation, California law does not restrict access to gender-affirming healthcare and bans insurance exclusions for gender-affirming healthcare; and

WHEREAS, other states may adopt or expand laws that impose criminal punishment, civil liability, administrative penalties, or professional sanctions on health care professionals who provide gender-affirming healthcare and on persons who seek, receive, or assist another in receiving gender-affirming healthcare in the City of Sacramento; and

WHEREAS, the State of California passed SB107 in 2022 protecting individuals seeking sanctuary from out of state prosecution and explicitly prohibits law enforcement agencies from knowingly making or participating in the arrest or extradition of an individual pursuant to an out-of-state arrest warrant based on another state's law against receiving gender affirming healthcare in California; and

WHEREAS, for the purpose of this resolution, "gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as provided in Section [16010.2 of the California Welfare and Institutions Code](#).

(A) "Gender affirming health care" means medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, the following:

(i) Interventions to suppress the development of endogenous secondary sex characteristics.

(ii) Interventions to align the patient's appearance or physical body with the patient's gender identity.

(iii) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition.

(B) "Gender affirming mental health care" means mental health care or behavioral health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping, and strategies to increase family acceptance.

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 wellbeing of transgender people and 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 LGBTQ+ 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, multiple healthcare institutions across the country 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, there are institutions providing gender-affirming healthcare in the State of California located in the city of Sacramento, and local advocates already report long waitlists and difficulty accessing medically necessary gender-affirming healthcare; and

WHEREAS, the City of Sacramento has consistently declared its commitment to furthering transgender equity and supporting its growing transgender community; and

WHEREAS, healthcare professionals providing as well as persons seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare in the City of Sacramento should be protected from attempts to impose criminal punishment, civil liability, administrative penalties, or professional sanctions based on the laws of other states when gender-affirming healthcare is lawful in the State of California and meets standards for good professional practice; and

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

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

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Sacramento hereby reiterates its commitment to transgender rights and equal protections for transgender community members and declares itself a sanctuary city and a place of safety for transgender people.

THEREFORE BE IT RESOLVED, that the City of Sacramento recognizes the importance of gender-affirming healthcare as a matter of health, privacy, and equality and to ensure, to the greatest extent permitted by law, that those rights are upheld for all residing within the City of Sacramento.

THEREFORE BE IT RESOLVED, that no city resources, including, but not limited to, time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for detaining persons for seeking or providing gender-affirming care, nor the aiding of it, which include such activities as gender affirmation surgery or gender hormone therapy.

THEREFORE BE IT RESOLVED, that no city resources shall be utilized for cooperating with or providing information to any individual or out-of-state agency or department regarding the provision of lawful gender-affirming healthcare or gender-affirming mental healthcare performed in the state of California.

THEREFORE BE IT RESOLVED, that nothing in this section shall prohibit the investigation of any criminal activity in the state of California, provided that no information relating to any issued prescriptions or medical procedure performed on a specific individual may be shared with an out-of-state agency or any other individual.

THEREFORE BE IT RESOLVED, that any person detained in violation of this section may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

THEREFORE BE IT RESOLVED, that severability is intended throughout and within the provisions of this Resolution. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Resolution.

THEREFORE BE IT RESOLVED, that this resolution shall take effect immediately and in accordance with law upon publication of notices as provided in the Sacramento City Charter.

RESOLUTION NO. 2024-____

Adopted by the Sacramento City Council

March 26, 2024

Declaring the City of Sacramento a Sanctuary City for Transgender People

BACKGROUND:

The City Council finds and declares the following:

- A. As of the date of this resolution, California law does not restrict access to gender-affirming healthcare and bans insurance exclusions for gender-affirming healthcare.
- B. Other states may adopt or expand laws that impose criminal punishment, civil liability, administrative penalties, or professional sanctions on health care professionals who provide gender-affirming healthcare and on persons who seek, receive, or assist another in receiving gender-affirming healthcare in the City of Sacramento.
- C. The State of California passed SB107 in 2022, protecting individuals seeking sanctuary from out-of-state prosecution and explicitly prohibits law enforcement agencies from knowingly making or participating in the arrest or extradition of an individual pursuant to an out-of-state arrest warrant based on another state's law against receiving gender-affirming healthcare in California.
- D. For the purpose of this resolution, "gender-affirming health care" and "gender-affirming mental health care" have the same meanings as provided in section 16010.2 of the California Welfare and Institutions Code:
 - (A) "Gender affirming health care" means medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, the following:
 - (i) Interventions to suppress the development of endogenous secondary sex characteristics.
 - (ii) Interventions to align the patient's appearance or physical body with the patient's gender identity.
 - (iii) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition.
 - (B) "Gender affirming mental health care" means mental health care or behavioral health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping, and strategies to increase family acceptance.
- E. 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 Pediatrics, the

Endocrine Society, the American Psychiatric Association, and the World Professional Association for Transgender Health, amongst other institutions.

- F. Studies have shown that gender transition, including access to gender-affirming healthcare, improves the overall wellbeing of transgender people and access to gender-affirming healthcare for youth is associated with better mental health outcomes and lower risks of suicide.
- G. At least 23 states have enacted laws restricting or banning gender-affirming care for minors, and at least 7 states have enacted laws restricting or banning gender-affirming care for adults.
- H. Over 94 percent of LGBTQ+ 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.
- I. Multiple healthcare institutions across the country 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.
- J. There are institutions providing gender-affirming healthcare in Sacramento, and local advocates already report long waitlists and difficulty accessing medically necessary gender-affirming healthcare.
- K. The City of Sacramento has consistently declared its commitment to furthering transgender, nonbinary, and intersex equity and supports its growing gender-diverse community.
- L. Healthcare professionals, as well as persons seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare in the City of Sacramento, should be protected from attempts to impose criminal punishment, civil liability, administrative penalties, or professional sanctions based on the laws of other states when gender-affirming healthcare is lawful in the State of California and meets standards for good professional practice.
- M. It is necessary and appropriate to exercise the authority vested in the city council to protect healthcare professionals and persons lawfully seeking, receiving, and assisting another individual in seeking or receiving gender-affirming healthcare in the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Declaration of Sanctuary for Transgender People.

- A. The City of Sacramento hereby reiterates its commitment to transgender, nonbinary, and intersex rights and equal protections for transgender community members and declares itself a sanctuary city and a place of safety for transgender people.
- B. The City of Sacramento recognizes the importance of gender-affirming healthcare as a matter of health, privacy, and equality; and will ensure, to the greatest extent permitted by law, that those rights are upheld for all people living, working, or seeking services within the City of Sacramento.

Section 2. Use of City Resources.

- A. No city resources, including but not limited to time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for detaining persons for seeking or providing gender-affirming care (nor the aiding of it), including such activities as gender-affirming mental health care, gender-affirming hormone therapy, or gender-affirming surgery.
- B. No city resources shall be utilized for cooperating with or providing information to any individual or out-of-state agency regarding the provision of lawful gender-affirming healthcare or gender-affirming mental healthcare performed in the state of California.

Section 3. Nothing in this resolution prohibits the investigation or enforcement of any criminal activity, provided that no prescription or medical information relating to gender-affirming care for any specific individual may be shared with an out-of-state agency or any other individual.