Legislation Details (With Text)

File #:	Int 1074-2023 **Version:** A	**Name:**	Prohibiting the use of city resources to enforce restrictions on gender-affirming care.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Health
On agenda:	6/8/2023		
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Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of city resources to enforce restrictions on gender-affirming care

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Date	Ver.	Action By	Action	Result
6/8/2023	*	City Council	Introduced by Council	
6/8/2023	*	City Council	Referred to Comm by Council	
6/12/2023	*	Committee on Health	Hearing Held by Committee	
6/12/2023	*	Committee on Health	Laid Over by Committee	
6/12/2023	*	Committee on Women and Gender Equity	Hearing Held by Committee	
6/12/2023	*	Committee on Women and Gender Equity	Laid Over by Committee	
7/13/2023	*	Committee on Health	Amendment Proposed by Comm	
7/13/2023	*	Committee on Health	Amended by Committee	
7/13/2023	A	Committee on Health	Approved by Committee	Pass
7/13/2023	*	Committee on Health	Hearing Held by Committee	
7/13/2023	A	City Council	Approved by Council	Pass
7/13/2023	A	City Council	Sent to Mayor by Council	
8/13/2023	A	Administration	City Charter Rule Adopted	
8/15/2023	A	City Council	Returned Unsigned by Mayor	

Int. No. 1074-A

By Council Members Hudson, Cabán, Schulman, Ossé, Sanchez, Farías, Richardson Jordan, Brewer, Ung, Hanif, Restler, Louis, Rivera, Narcisse and Mealy

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of city resources to enforce restrictions on gender-affirming care

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-184.1 to read as follows:

§ 10-184.1 Gender-affirming care protections. a. Definitions. As used in this section, the following terms have the following meanings:

1. City property. The term "city property" means any real property leased or owned by the city that serves a city governmental purpose and over which the city has operational control.

2. Gender-affirming care. The term "gender-affirming care" means medical, surgical, behavioral health, psychosocial, and other services intended to support and affirm a person's self-determined gender identity or expression. The term "gender-affirming care" does not include sexual orientation, gender identity, and gender expression change efforts.

3. Seeking, obtaining, providing, or facilitating gender-affirming care. The term "seeking, obtaining, providing, or facilitating gender-affirming care" includes, but is not limited to, any of the following: expressing interest in, inducing, using, performing, furnishing, paying for, disseminating information about, arranging, insuring, assisting, or otherwise taking action to engage in gender-affirming care; or attempting any of the same.

4. Sexual orientation, gender identity, and gender expression change efforts. The term "sexual orientation, gender identity, and gender expression change efforts" means efforts intended to change a person's self-determined gender identity or expression, or sexual orientation, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same gender. The term "sexual orientation, gender identity, and gender expression change efforts" does not include counseling or treatment for a person seeking to transition from one gender to another, or therapy that (i)

provides acceptance, support, and understanding of a person or the facilitation of a person's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, and (ii) does not seek to change sexual orientation, gender identity, or gender expression.

b. No city resources, including, but not limited to, time spent by employees, city officers, or any person under contract to perform work or provide services for the city, while on duty, or use of city property, shall be utilized for:

1. The detention of a person on grounds that they are known or believed to have lawfully sought, obtained, provided, or facilitated gender-affirming care in the state of New York; or known or believed to have sought, obtained, provided, or facilitated gender-affirming care outside the state of New York in circumstances where such conduct would have been lawful had it occurred in the state of New York; or

2. Cooperation with an investigation of a person on grounds that such person is known or believed to have sought, obtained, provided, or facilitated gender-affirming care outside the state of New York under circumstances where their conduct would have been lawful had it occurred in the state of New York.

c. For the purposes of this section, a provider whose professional license in the state where they practice would have qualified them to provide such care if it were lawful to do so in such state shall be considered to have been qualified to provide such care in the state of New York.

d. Nothing in this section shall prohibit the civil or criminal investigation of a person suspected or alleged to have provided or facilitated gender-affirming care not in accordance with applicable provisions of the laws of the city and the state of New York, or cooperation in such an investigation, provided that, to the extent legally permissible, no information that may identify any person alleged to have sought or obtained gender-affirming care shall be disclosed to investigating personnel or defense counsel without the prior consent of the person alleged to have sought or obtained such care.

e. Nothing in this section shall prohibit the civil or criminal investigation of a person suspected or

alleged to have provided or facilitated gender-affirming care in another state in a manner that would be prohibited by the laws of the city and the state of New York, or cooperation in such an investigation, provided that, to the extent legally permissible, no information that may identify any person alleged to have sought or obtained gender-affirming care shall be disclosed to investigating personnel or defense counsel without the prior consent of the person alleged to have sought or obtained such care.

f. Nothing in this section shall prohibit an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from making a disclosure relating to a person who has sought or obtained gender-affirming care when such person has consented in writing to the disclosure.

g. Nothing in this section shall prohibit an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from complying with a request for information relating to a proceeding that sounds in tort or contract, or is based on or brought under federal law or regulation, statute or regulation of the state of New York, or the laws of the city, or law of another state for which there is an equivalent or similar cause of action in the state of New York; and has been brought by a person who claims to have sought or obtained gender-affirming care.

h. Nothing in this section shall require an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, to fail to comply with a court order from a court of competent jurisdiction.

i. Nothing in this section shall prevent compliance with laws that provide persons a right to any information or document pertaining to their own gender-affirming care.

j. Nothing in this section shall prevent an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from cooperating with or providing information to any person or out-of-state agency or department for scientific study or research being undertaken for the purpose of the reduction of morbidity and mortality or the improvement of the quality of medical care, provided that no information relating to any medical care provided to a specific person or that would identify any person

associated with gender-affirming care that has been lawfully provided may be shared without the prior consent of such person.

k. Nothing in this section shall prevent an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from taking such actions as are necessary to carry out their legal responsibilities with respect to a minor. Any disclosure made for such purposes that identifies persons who have sought, obtained, provided, or facilitated gender-affirming care, or the services related to gender-affirming care that were sought, obtained, provided, or facilitated shall be limited to the amount of information reasonably necessary to achieve the purpose of the disclosure.

§ 2. This local law takes effect immediately.

EH/CP
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