

Resolution No. 1394

**RESOLUTION OF BOROUGH COUNCIL OF THE BOROUGH OF STATE COLLEGE,
CENTRE COUNTY, PENNSYLVANIA**

A RESOLUTION TO PROTECT AND GRANT REFUGE TO TRANSGENDER AND NON-BINARY YOUTH AND THEIR PARENTS FLEEING STATES WITH ANTI-TRANSGENDER LAWS; DECLARE STATE COLLEGE A SAFE AND WELCOMING HAVEN FOR THE LGBTQIA2S+ (LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEX, ASEXUAL/AROMANTIC, TWO-SPIRIT) COMMUNITY; URGING COUNTY AND STATE OFFICIALS TO SUPPORT THE AFORESAID LEGISLATION.

WHEREAS, the Borough of State College welcomes diversity and believes that all individuals add to the quality of our lives and should be treated fairly, with respect and dignity, and with full human rights; and

WHEREAS, many of the residents, students, employees, and business owners within the Borough of State College who contribute to the enrichment of our Borough are part of the LGBTQIA2S+ community; and

WHEREAS, the population of the Borough of State College consists of people of every race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity and expression, ancestry, age, disability, source of income, marital status, and family status. The Borough of State College is committed to preventing discrimination in employment opportunities, public accommodations, education, healthcare, and housing; and has enacted local ordinances prohibiting discrimination in employment, housing, public accommodation, and conversion therapy for minors; and

WHEREAS, the Borough of State College has a proud history of acceptance of all individuals regardless of race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity and expression, ancestry, age, disability, source of income, marital status, and family status, including but not limited to the areas of housing, public accommodation, education, healthcare, and employment; and

WHEREAS, the Borough of State College recognizes and admonishes the increasing, unprecedented wave of legislation denying respect and dignity, particularly based on sexual orientation, gender identity, or expression across the United States, with no end in sight, and 2023 marked the fourth consecutive record-breaking year for anti-trans legislation in the United States; and

WHEREAS, with the record number of discriminatory anti-trans legislative bills being proposed and enacted throughout the country, this in turn fuels more bigotry and stigma against transgender and non-binary people; and

WHEREAS, the Human Rights Campaign estimates there are more than 2 million transgender people across the United States. Transgender and gender non-conforming people continue to face stigma, bias, and systemic discrimination from an early age, heightening their vulnerability to violence and risk of suicide; and

WHEREAS, in this hostile environment, cities, counties, and states across the country are taking steps to support and protect lesbian, gay, bisexual, transgender, queer, and gender-expansive people, especially youth; 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. Over half of those surveyed had seriously considered suicide in the past year; and

WHEREAS, as attacks against transgender and gender non-binary youth across the United States continue, it is the responsibility of State College to ensure transgender and gender non-binary people, particularly youth, continue to be protected and welcomed; and

WHEREAS, the Borough of State College is a welcoming environment to all and seeks to serve as a refuge of fairness, respect, and dignity for all individuals and families; and

WHEREAS, as of the date of this legislation, State College law does not restrict access to gender-affirming healthcare or ban insurance exclusions for gender-affirming healthcare; 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, 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, the Borough of State College has consistently declared its commitment to furthering transgender equity and supporting its growing transgender community. According to the Human Rights Campaign, the Borough of State College earned a perfect 100/100 score in the 2023 Municipal Equality Index, which measures the inclusivity of municipal laws, policies, and services for the LGBTQIA2S+ community; and

WHEREAS, since 2017, the Borough of State College, through the guidance of its LGBTQ Advisory Committee, has implemented positive changes for the LGBTQIA2S+ community, including but not limited to increasing the number of gender-neutral bathrooms, codifying transgender-inclusive health benefits, and banning conversion therapy for minors; 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 Borough of State College 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 Pennsylvania 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 Borough of State College, including the coordinated and integrated direction, supervision, and control of all Borough of State College 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 Borough of State College;

NOW, THEREFORE BE IT RESOLVED, the Borough Council of State College firmly states its commitment to protecting human rights for all individuals and believes that access to healthcare, education, and peaceful enjoyment of their lives are fundamental rights to all people in the borough. The Borough of State College hereby reiterates its commitment to transgender rights and equal protections for transgender community members and declares itself a safe city and sanctuary for transgender people to live and seek care; and

BE IT FURTHER RESOLVED, the Borough of State College shall now and forever be considered a safe place, a sanctuary, a welcoming and supportive city for the LGBTQIA2S+ individuals and their families to live in peace and comfort; and

BE IT FURTHER RESOLVED, that the Council hereby declare the Borough of State College a Safe Haven for Transgender and Non-Binary people and their families; and

BE IT FURTHER RESOLVED, that the Council hereby declares the Borough of State College a Safe Haven for Gender-Affirming Healthcare.

BE IT FURTHER RESOLVED, That the Borough of State College hereby adopts the following Gender-Affirming Healthcare Policy:

1. Borough personnel shall not criminally prosecute or impose administrative penalties on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare.
2. In the event any law or regulation is passed in the State of Pennsylvania that imposes criminal punishment, civil liability, administrative penalties, or professional sanctions on an individual or organization for providing, seeking, receiving, or assisting another individual in seeking or receiving gender-affirming healthcare, Borough personnel shall make enforcement of said law or regulation their lowest priority.
3. Concerning out-of-state jurisdictions, Borough personnel shall not enforce laws that impose criminal punishment, civil liability, administrative penalties, or professional sanctions on an individual or organization for providing, seeking, receiving, or assisting another individual in seeking or receiving gender-affirming healthcare and shall decline any request to stop, arrest, detain, or transfer individuals to out-of-state custody based on such conduct being criminalized, penalized, or prosecuted in said jurisdiction.
4. Except as required by lawful authority, Borough 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 on an individual or organization for providing, seeking, receiving, or assisting another individual in seeking or receiving gender-affirming healthcare.
5. Except as required by lawful authority, Borough 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, seeking, receiving, or assisting another individual in seeking or receiving gender-affirming healthcare.

BE IT FURTHER RESOLVED, that the Council of the Borough of State College calls on the Centre County Board of Commissioners to pass a similar resolution protecting the human rights of transgender and non-binary people, in addition to protections for gender-affirming healthcare;

BE IT FURTHER RESOLVED, that the Council of the Borough of State College calls on the Pennsylvania state legislature and Governor Josh Shapiro to pass and sign a “shield law” to protect gender-affirming healthcare. Under such a law, if someone travels from a state where gender-affirming healthcare is banned and receives such care in Pennsylvania, this law will protect the recipient and/or healthcare provider against civil or criminal charges from the banned state;

BE IT FURTHER RESOLVED, if any one part of the resolution is found to be preempted or unconstitutional, the rest of the resolution remains intact; and

BE IT FURTHER RESOLVED, this resolution shall become effective upon adoption.

ATTEST:

BOROUGH OF STATE COLLEGE:

Dianna Walter
Assistant Borough Secretary

Evan Myers
President of Council