

## RESOLUTION

NO. R-21-167

CITY HALL: May 6, 2021

BY: COUNCILMEMBER MORENO

SECONDED BY:

A **RESOLUTION** condemning Louisiana SB156, which advanced in the Louisiana Senate Education Committee on April 29, 2021, and HB542, scheduled for hearing on May 4, 2021 in the House Committee on Education; the two bills would prohibit transgender women from participating in sports at the K-12 and university levels. The New Orleans City Council also condemns SB104, deferred by its author in the Senate Health and Welfare Committee hearing on April 28, 2021, and HB575 scheduled for a hearing on May 4, 2021 in the House Committee on Health and Welfare; the two bills would restrict healthcare access for transgender youth such as gender-confirming treatments and counseling.

**WHEREAS**, SB156 and HB542 would require that schools designate intercollegiate, interscholastic, or intramural athletic teams according to the biological sex of the team members; would provide that teams designated for females are not open to participation by biological males; stipulates that no cause of action may be maintained against any coach, school, school board, school employee, school board member, postsecondary education management board, or postsecondary education board member that prohibits a biological male from participating in a female, girls', or women's athletic team or sporting event; and that certain persons are entitled to legal causes of action including: a biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of proposed law; any biological female student who is subjected to retaliation or other adverse action by a school, athletic association, or other organization as a result of reporting a violation of proposed law to an employee or representative of the school, athletic association, or to any local, state, or federal agency with oversight of schools; and any school coach, school, school board, employee of a school or school board, school board member, or post secondary education board member that suffers any direct or indirect harm for prohibiting a biological male from participating in a female, girls', or women's athletic team or sporting event; and

**WHEREAS**, as filed, SB104 would have required transgender and gender non-conforming individuals under the age of 18 to get permission from their parents before they can get gender-based medical or mental health care; in cases where the parents disagree and custody of the minor has been awarded by court judgment to one or both parents, either parent may move the court for an order approving or rejecting consent in the best interest of the minor; and

**WHEREAS**, SB104 would have subjected providers of gender therapy in Louisiana without consent required to civil and regulatory liability and sanctions; per this bill, *gender therapy* is defined as (1) counseling or psychotherapy treatment founded on the position that, regardless of a person possessing physical attributes of a certain gender at birth, no gender

identity, expression, or experience by that person is any more valid than any other and (2) nonsurgical and surgical procedures for gender dysphoria such as hormone treatments and gender-related surgery; and

**WHEREAS**, SB104 was voluntarily deferred by its author after over 400 red cards in opposition were filed with 0 green cards in support; passionate testimony from health care professionals, transgender children, and their parents included the “chilling effect” requiring explicit written consent from both parents would have on healthcare providers and how a bill restricting health care access could exacerbate existing high rates of suicide in the transgender community; and

**WHEREAS**, HB575 provides that no person shall engage in, counsel, refer, or cause any practice to be performed upon a minor if the practice is performed for the purpose of altering the appearance or affirm a minor's gender or sex because perception is inconsistent with the minor's sex; practices that shall not be performed include: prescribing, dispensing, administering, or otherwise supplying a puberty blocker medication to stop or delay normal puberty, supraphysiologic doses of testosterone or other androgens to females, or supraphysiologic doses of estrogen to males; performing a surgery that sterilizes an individual by performing either castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy; performing a surgery that artificially constructs tissue with the appearance of genitalia that differs from the individual's sex to include metoidioplasty, phalloplasty, or vaginoplasty; and removing any healthy or non-diseased body part or tissue; and

**WHEREAS**, HB575 stipulates that that the provisions of proposed law shall not apply to a procedure to treat a minor who is born with a medically verifiable disorder of sexual development which shall include the following instances: a minor who is born with external biological sex characteristics that are ambiguous and the ambiguity is not resolvable; a minor who is born with external biological sex characteristics that are ambiguous and the ambiguity is not resolvable; and a minor who has been diagnosed by a physician as having a disorder of sexual development which the physician has determined through genetic or biochemical testing that the person does not have either a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; and

**WHEREAS**, HB575 prohibits a nurse, counselor, teacher, principal, or administrative personnel at a public or private school from encouraging or coercing a minor to withhold from his or her parent or legal guardian any information that suggests the minor’s perception of the minor’s gender or sex is inconsistent with the minor’s sex and prohibits withholding from a minor’s parent or legal guardian information related to a minor’s gender or sex that is inconsistent with the minor’s sex; and

**WHEREAS**, HB575 provides that any person who violates the proposed law, upon criminal conviction, may be imprisoned, with or without hard labor, for not more than two years, and may not be fined more than \$10,000; and

**WHEREAS**, with regard to transgender youth sports participation, it is imperative to remember that sports and sports teams serve as a tremendous opportunity for children to learn

important skills such as leadership, confidence, self-respect, and teamwork; transgender youth deserve the same opportunities to learn these valuable life skills and to build comradery among their peers; and

**WHEREAS**, transgender youth should be treated with dignity and respect and we are seeing schools across the nation have success with the implementation of policies that protect transgender youth and ensure an equal playing field for all students; denying transgender students access to become part of a team where they feel they belong is discriminatory and unnecessarily hurtful; and

**WHEREAS**, if our ultimate goal is to support girls' sports, we should instead pivot our focus to efforts that increase funding while also developing stronger legislation to protect female athletes from harassment and abuse; the notion that we are unable to celebrate girls' sports while also protecting transgender youth from discrimination is unfounded and shortsighted; and

**WHEREAS**, concerning gender-affirming care bans, both SB104 and HB575 display a fundamental lack of understanding of transgender children and bans best practice medical care for transgender youth – care that simply delays puberty until a minor is old enough to make their own decisions about their lived gender – that is backed by the American Academy of Pediatrics, the American Medical Association, and other leading health authorities; and

**WHEREAS**, like all children, transgender youth are more likely to thrive and feel accepted when they are both supported and receive access to health care they need; it is the patients in consult with their health care providers – *not* politicians – who should decide what medical care is in the best interest of a patient in accordance with current medical best practices; and

**WHEREAS**, denying best practice medical care to transgender youth has been shown to contribute to depression, social isolation, self-hatred, risk of self-harm, and suicidal behavior and it is imperative that we do not facilitate this harmful behavior; and

**WHEREAS**, UCLA Law's Williams Institute released an April 2021 brief focusing on gender affirming medical care for youth and estimated that 2,350 Louisiana transgender youth ages 13-17 would be at risk of being denied access to gender-affirming medical care through the proposed regulations; and

**WHEREAS**, we are grateful that Governor John Bel Edwards stated that he will not support the aforementioned bills that would place curbs on transgender athletes and that would restrict minors pursuing gender-confirming health care; **NOW THEREFORE**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**, That the New Orleans City Council condemns SB156, HB542, SB104, and HB575. Bills of this nature are inhumane, discriminatory, and ignore best practices for medical care. Laws that would restrict access to medical care for transgender people or student athletics unnecessarily single out already marginalized groups and erroneously put the authority of our state's government behind discrimination and promote maltreatment of a targeted LGBTQ+ population.

**BE IT FURTHER RESOLVED,** Moreover, as we are seeing in the state of Georgia, prejudiced and bigoted legislative measures can have unintended economic consequences that will materially harm Louisiana's industry and detrimentally impact businesses both large and small throughout Louisiana. The timing on these measures – as towns, cities, parishes, and the state as a whole work to recover from the effects of the COVID-19 pandemic – could not be more damaging to Louisiana's economy.

**BE IT FURTHER RESOLVED,** That the Clerk of Council transmit certified copies of this resolution to Governor John Bel Edwards, Speaker of The House Clay Schexnayder, Senate President Patrick Page Cortez Representative Gabe Firment, Representative Beryl Amedee, Senator Mike Fesi, Senator Beth Mizell, and all members of the New Orleans delegation: Senator Karen Carter Peterson; Senator Troy Carter; Senator Sharon Hewitt; Senator Jimmy Harris; Senator Joseph Bouie; Representative Royce Duplessis; Representative Raymond E. Garofalo, Jr.; Representative Gary M. Carter; Representative Stephanie Hilferty; Representative Mandie Landry; Representative Aimee Adatto Freeman; Representative Matthew Willard; Representative Candace Newell; Representative Jason Hughes; and Representative Mack Cormier.

**THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:**

**YEAS:**

**NAYS:**

**ABSENT:**

**AND THE RESOLUTION WAS ADOPTED.**