

**EXECUTIVE ORDER NO. 4-23**

**PROTECTIONS FOR INDIVIDUALS SEEKING, RECEIVING, AND PROVIDING  
GENDER-AFFIRMING HEALTH CARE**

**WHEREAS**, the nation's first successful sit-ins in support of LGBTQ+ rights took place in Philadelphia in 1965, when a multi-racial group of transgender, gay, lesbian, and other queer activists protested discrimination at Dewey's Diner in Rittenhouse Square; and

**WHEREAS**, more than 60,000 Philadelphians identify as lesbian, gay, bisexual, transgender, and/or queer; and

**WHEREAS**, the Philadelphia Fair Practices Ordinance already prohibits discrimination based on a person's gender identity; and

**WHEREAS**, Philadelphia law already requires equal access to public accommodations, gender-neutral language on certain City forms, gender-neutral bathrooms where possible, opportunities for people to update certain records to reflect their gender-identity in name and gender marker, and further provides tax incentives to encourage private employers to offer insurance benefits for gender-affirming health care; and

**WHEREAS**, the City provides all of its officers and employees access to health insurance coverage for gender-affirming health care, as provided for by Section 20-309 of The Philadelphia Code; and

**WHEREAS**, Philadelphia has been home to the famous Philadelphia Trans Wellness Conference, which has addressed the special health care needs of the transgender community for over 20 years; and

**WHEREAS**, the importance of gender-affirming health care is well accepted by numerous professional and governmental health organizations, including the American Medical Association, the American Psychological Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatrics, the Endocrine Society, the Society for Adolescent Health and Medicine, the World Health Organization, the World Professional Association for Transgender Health, the Centers for Disease Control and Prevention, and the U.S. Department of Health and Human Services; and

**WHEREAS**, scientific research consistently shows that gender-affirming health care improves mental health outcomes for transgender and gender diverse young people and adults, and substantially reduces rates of depression and the risk of suicide; and

**WHEREAS**, over the past four years there has been an explosion of anti-transgender laws across the country that aim to deny transgender and gender diverse individuals the right to live as their

authentic selves and to receive necessary and often life-saving gender-affirming health care, among other things by enacting laws that subject health care professionals to civil or criminal liability for providing gender-affirming health care, or that target parents and guardians for seeking such care for their children; and

**WHEREAS**, the passage of such anti-transgender legislation will harm the health and well-being of transgender and gender diverse people by denying them access to essential health care and by perpetuating harmful discrimination and stigmatization; and

**WHEREAS**, transgender individuals face violence, discrimination, and lack of access to essential resources at rates far exceeding other members of the LGBTQ+ community; and

**WHEREAS**, the City of Philadelphia has a longstanding commitment to protecting all people's right to privacy and bodily autonomy, including the right to make decisions about our health and how we lead our lives; and

**WHEREAS**, the City is committed to protecting the equal rights and dignity of transgender and gender diverse people who contribute to the great rainbow of this City of Brotherly Love and Sisterly Affection;

**NOW, THEREFORE**, I, James Kenny, Mayor of the City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby **ORDER** as follows:

## **SECTION 1. DEFINITIONS**

The following terms are defined as follows:

- (a) "Gender-affirming health care" means care that is generally accepted by the medical community and other relevant experts to address a transgender or gender diverse individual's physical, mental, and/or social health needs and that is designed to support and affirm a transgender or gender diverse individual's gender identity, including, but not limited to, mental health or psychiatric care; surgery, hormone replacement therapy, and other non-surgical treatments intended to align aspects of an individual's life with their gender identity; and other behavioral or medical interventions, treatments, and therapies designed to support and affirm an individual's gender identity.
- (b) "Gender diverse" means having a gender identity that falls outside the gender binary, including but not limited to individuals who are non-binary and genderqueer.
- (c) "Members of the Executive Branch" means all City departments, boards, commissions, offices, and agencies under the purview of the Mayor.

## **SECTION 2. RESPONSIBILITY TO SUPPORT THOSE WHO PURSUE, RECEIVE, AND PROVIDE GENDER-AFFIRMING HEALTH CARE**

- (a) All Members of the Executive Branch shall, to the fullest extent of their authority and ability take steps to protect the ability of individuals and entities in Philadelphia to seek,

travel to obtain, provide, receive, or assist in providing or receiving gender-affirming health care services.

- (b) All individuals in City custody shall have available to them medically necessary gender-affirming health care that is appropriate to the duration of custody and consistent with the recommendations of their health care providers, accepted gender-affirming health standards, departmental policies, and applicable law.

### **SECTION 3. PROHIBITION ON USE OF CITY RESOURCES TO ASSIST THOSE WHO WOULD PUNISH OR RESTRICT ACCESS TO GENDER-AFFIRMING HEALTH CARE**

- (a) Except as required by a Pennsylvania or federal court order, Pennsylvania law, or federal law, no Member of the Executive Branch shall provide any information, or use time, money, facilities, property, equipment, personnel, or other City resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanction on an individual or entity or legal guardian thereof for:
  - (1) The provision, receipt, seeking of, inquiring about, or responding to an inquiry about gender-affirming health care services that are legal in the Commonwealth of Pennsylvania; or
  - (2) Assisting, advising, aiding, abetting, facilitating, soliciting, or collaborating with any individual or entity providing, receiving, seeking, inquiring, or responding to an inquiry about gender-affirming health care services that are legal in the Commonwealth of Pennsylvania.
- (b) This limitation does not apply to any investigation or proceeding in which the conduct at issue would be subject to civil or criminal liability or professional sanction under Pennsylvania or federal law.
- (c) This limitation shall not restrict disclosure of information relating to an individual who has sought or obtained gender-affirming health care when that individual, the individual's guardian, or their authorized health care representative has consented in writing to the disclosure.
- (d) If certain gender-affirming health care services ever become illegal nationwide or in the Commonwealth of Pennsylvania, despite medical consensus that such services meet professional standards of care, Members of the Executive Branch must deprioritize enforcement of crimes related to providing or receiving such gender-affirming health care services to the furthest extent possible.

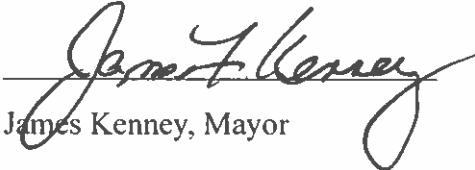
**SECTION 4. ONGOING DUTIES**

Every City department, board, commission, office, and agency must (a) evaluate any requests for information or other cooperation contemplated in Section 3(a) of this Order, and (b) evaluate the context of any other request for information relating to gender-affirming health care that is not contemplated in this Order, to determine what steps are necessary to satisfy the policy objective of this Order to protect individuals who seek, receive, and provide gender-affirming health care.

**SECTION 5. EFFECTIVE DATE**

This Order shall take effect immediately.

Date: 10/17/23

  
James Kenney, Mayor