

RESOLUTION NO. 199-2024(COTW),
Second Reading

By Councilmember Larson, President
Cuda, Vice President Russell,
Councilmember Mattox,
Councilmember Petras, and
Councilmember Posch

A Resolution proclaiming the City of Cleveland Heights a safe haven for gender-affirming health care.

WHEREAS, the City of Cleveland Heights strives to celebrate diversity and promote equitable policies that make the City a welcoming and inclusive community for all, including people of all gender identities and expressions; and

WHEREAS, gender-affirming health care is evidence-based and broadly supported by major medical associations, including the American Medical Association, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association, the American Psychological Association, the American Counseling Association, the Endocrine Society, the American College of Obstetricians and Gynecologists, the American Urological Association, the American Society for Reproductive Medicine, and the Children's Hospital Association; and

WHEREAS, research demonstrates that gender-affirming health care improves the physical and mental health and well-being of transgender, non-binary, and gender-expansive people; and

WHEREAS, according to the Human Rights Campaign, 39.4 percent of transgender youth live in states, like Ohio, that have passed bans on gender-affirming health care.

WHEREAS, transgender and non-binary youth are disproportionately burdened by poor mental health outcomes, including depression, anxiety, and suicidal ideation and attempts, owing to decreased social support and increased stigma and discrimination; and

WHEREAS, gender-affirming health care is age-appropriate care that is medically necessary for the well-being of many transgender, non-binary, and gender-expansive people who experience symptoms of gender dysphoria or distress that result from having one's gender identity not match their sex assigned at birth; and

WHEREAS, in January 2024, the Ohio General Assembly voted to override Governor Mike DeWine's veto against Ohio House Bill 68 ("H.B. 68"), a bill that bans transgender, non-binary, and gender-expansive minors from receiving gender-affirming health care; and

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WHEREAS, H.B. 68 became effective on August 6, 2024, after the Franklin County Court of Common Pleas rejected a challenge by the American Civil Liberties Union ("ACLU") and lifted a temporary restraining order that had blocked the law in its entirety; and

WHEREAS, the ACLU has appealed the decision to the Tenth District Court of Appeals of Ohio, and following oral arguments that were held on September 11, 2024, a decision is forthcoming; and

WHEREAS, on February 20, 2024, this Council passed Resolution 019-2024, approved by the Mayor on March 1, 2024, condemning the enactment of H.B. 68 as discriminatory, harmful to transgender youth, and a violation of parental rights; and

WHEREAS, people of all gender identities and expressions living in or visiting the City of Cleveland Heights have the support of the Mayor and this Council who believe access to all medically necessary health care that promotes a person's physical and mental health and well-being should be protected; and

WHEREAS, the City of Cleveland Heights has consistently affirmed its commitment to furthering transgender, non-binary, and gender-expansive equity and supporting its transgender, non-binary, and gender-expansive community; and

WHEREAS, the Mayor and this Council wish to proclaim their support for health care professionals who provide gender-affirming health care and for those people who seek, receive, or assist another person who seeks or receives gender-affirming health care in the City of Cleveland Heights, Cuyahoga County, and the State of Ohio;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor and this Council proclaim the City of Cleveland Heights a safe haven for gender-affirming health care.

SECTION 2. The Mayor and this Council reaffirm their condemnation of H.B. 68 as harmful to the physical and mental health and well-being of transgender, non-binary, and gender-expansive youth.

SECTION 3. The City of Cleveland Heights commits to protecting access to lawful gender-affirming health care.

SECTION 4. The City of Cleveland Heights will not criminally prosecute or impose administrative penalties under any local law on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care.

SECTION 5. The City of Cleveland Heights will fully de-prioritize enforcing – and cooperating with or assisting any individual, agency, department, or board to enforce – any federal, state, or local law, rule, or regulation applicable in the State of Ohio that

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imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care, except as required by law.

SECTION 6. The City of Cleveland Heights will not enforce, will not cooperate with or assist any individual, agency, department, or board to enforce, and will not stop, arrest, detain, or transfer any person to out-of-state custody based on a violation of any state or local law, rule, or regulation of another jurisdiction outside of the State of Ohio that imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care, except as required by law.

SECTION 7. The City of Cleveland Heights will not cooperate with or provide information to any individual, agency, department, or board of another jurisdiction related to that jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care, except as required by law.

SECTION 8. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution on the City of Cleveland Heights website.

SECTION 9. This Resolution shall take effect and be in force from and after the earliest time permitted by law.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

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PASSED: November 4, 2024

Presented to Mayor: 11/07/2024 Approved: 11/14/2024



KAHLIL SEREN
Mayor