



EXECUTIVE ORDER

Issued pursuant to City Charter, Section 7.1

I, Jacob Frey, Mayor of the City of Minneapolis, subject to the executive and administrative authority granted to me pursuant to Minneapolis City Charter, do hereby issue the following Executive Order:

EXECUTIVE ORDER No. 2022-04

Minneapolis as a Safe Haven for Gender-Affirming Healthcare

WHEREAS, as of the date of this Executive Order, Minnesota law does not restrict access to gender-affirming healthcare, bans insurance exclusions for gender-affirming healthcare, and requires coverage of gender-affirming healthcare by state Medicaid; and

WHEREAS, in 2022, twenty state legislatures introduced forty bills restricting or criminalizing access to gender-affirming healthcare, and seven states passed legislation or released guidance restricting or criminalizing access to gender-affirming healthcare; and

WHEREAS, some of the states bordering Minnesota have proposed bills restricting or criminalizing access to gender-affirming healthcare and passed other legislation limiting the rights of trans youth, and local clinics and advocates have heard from families living all over the continental United States who are considering moving to Minnesota to access gender-affirming healthcare for their children; and

WHEREAS, other states may adopt or expand laws that purport to impose criminal punishment, civil liability, administrative penalties, or professional sanctions on health care professionals who provide gender-affirming healthcare and on persons who seek, receive, or assist another in receiving gender-affirming healthcare in the City of Minneapolis; 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 wellbeing 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, 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; and

WHEREAS, multiple healthcare institutions across the country, including in Minnesota, 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, a large number of the institutions providing gender-affirming healthcare in the State of Minnesota are located in Minneapolis, and local advocates already report long waitlists and difficulty accessing medically necessary gender-affirming healthcare; and

WHEREAS, the City of Minneapolis has consistently declared its commitment to furthering transgender equity and supporting its growing transgender community; 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 City of Minneapolis 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 Minnesota 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 executive authority vested in my office, including the coordinated and integrated direction, supervision, and control of all City of Minneapolis 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 City of Minneapolis;

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following:

1. City 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 Minnesota which imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, City personnel shall make enforcement of said law or regulation their lowest priority, except as required by lawful authority.
3. Except as required by lawful authority, City personnel shall not enforce laws of other jurisdictions that impose criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare and shall decline any request to stop, arrest, detain, continue to detain, or transfer into out-of-state custody individuals on the basis of such conduct being criminalized, penalized, or prosecuted in said jurisdiction.
4. Except as required by lawful authority, City 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 who is seeking or receiving gender-affirming healthcare.
5. Except as required by lawful authority, City 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 who is seeking or receiving gender-affirming healthcare.
6. City personnel shall, to the extent of the City's jurisdiction, uphold with respect to gender-affirming healthcare, the law of Minnesota Statutes Section 144.341 that any minor who is living separate and apart

from parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing personal financial affairs, regardless of the source or extent of the minor's income, may give effective consent to personal medical, dental, mental and other health services, and the consent of no other person is required.

7. For purposes of this Executive Order, the following definitions shall apply:

"Gender-affirming healthcare" means all services, supplies, drug therapies, and other care that an individual may receive to support and affirm the individual's gender identity, that are legal under the laws of the State of Minnesota as of the date of this Executive Order or any time thereafter.

"Lawful authority" means a statute or regulation that applies in Minneapolis, an order of a court of competent jurisdiction, or lawfully issued judicial warrant of a court of competent jurisdiction.

"City personnel" means employees, volunteers, and contractors of current and future executive branch departments of the City of Minneapolis, including, but not limited to the Office of City Attorney; Office of Public Service; Office of Community Safety; 311 Service Center; Arts & Cultural Affairs Department; Assessing Department; Civil Rights Department; Communications Department; Community Planning & Economic Development Department; Finance & Property Services Department; Health Department; Human Resources Department; Information Technology Department; Intergovernmental Relations Department; Minneapolis Convention Center; Neighborhood & Community Relations Department; Performance Management and Innovation Department; Public Works Department; Racial Equity, Inclusion & Belonging Department; Regulatory Services Department; Minneapolis Emergency Communications Center (MECC); Emergency Management Department; Fire Department; Neighborhood Safety Department; and Police Department.

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This Executive Order shall become effective upon filing with the Office of City Clerk, as noted below, and shall continue in force until further notice or until it is amended, superseded, or rescinded.

DEC 02 2022

Date

Jacob Frey, Mayor of Minneapolis

ATTEST

City Clerk

POSTED:

DEC 02 2022

