

1 [Reaffirming San Francisco's Commitment to TGNCI2S Rights and Gender-Affirming Care]

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3 **Resolution reaffirming San Francisco's commitment to the rights of its transgender,**
4 **gender-nonconforming, intersex, and two-spirit (TGNCI2S) residents and employees to**
5 **obtain gender-affirming care without discrimination; and strongly urging healthcare**
6 **providers and insurance carriers operating within the city to adhere to state and local**
7 **laws mandating access to medically necessary healthcare, including gender-affirming**
8 **care.**
9

10 WHEREAS, In June 2024, the Board of Supervisors adopted Resolution 344-24, on file
11 with the Clerk of the Board of Supervisors in File No. 240651, which is hereby declared to be
12 a part of this Resolution as if set forth fully herein, establishing the City as a sanctuary city and
13 a place of safety for transgender, gender-nonconforming, intersex, and two-spirit people
14 (TGNCI2S) and provider of gender-affirming care; and

15 WHEREAS, These sanctuary protections are extended to the people of San Francisco
16 regardless of age and include TGNCI2S children and youth; and

17 WHEREAS, The City and County of San Francisco contracts with multiple health
18 systems to provide healthcare to over 34,000 employees and their families, and requires that
19 employees and their families have access to all evidence-based and medically supported
20 care, including gender-affirming care; and

21 WHEREAS, On December 18, 2025, the Centers for Medicare and Medicaid Services
22 (CMS) announced two proposed rules targeting gender-affirming care for youth, entitled
23 "Medicare and Medicaid Programs; Hospital Condition of Participation: Prohibiting Sex-
24 Rejecting Procedures for Children" and "Medicaid Program; Prohibition on Federal Medicaid
25 and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to

1 Children”, both on file with the Clerk of the Board of Supervisors in File No. 260092, which is
2 hereby declared to be a part of this Resolution as if set forth fully herein; and

3 WHEREAS, The proposed rules seek to restrict access to gender-affirming care for
4 youth by means of prohibiting hospitals that provide medically necessary gender-affirming
5 care for individuals under age 18 from participating in Medicare or Medicaid, and prohibit
6 federal reimbursement for youth gender-affirming care furnished under Medicaid and the
7 Children’s Health Insurance Program (CHIP); and

8 WHEREAS, According to legal scholars at the National Law Review, these proposed
9 rules are completely unprecedented uses of Medicaid and Medicare Conditions of
10 Participation (CoPs) and are likely to face legal challenges on multiple fronts; and

11 WHEREAS, California Attorney General Bonta is party to multiple lawsuits opposing
12 the federal government’s efforts to limit gender-affirming care, including a December 23,
13 2025, lawsuit filed with a coalition of 18 other Attorney Generals and one Governor that
14 challenged the United States Department of Health and Human Services’ (HHS) recent
15 declaration, claiming that gender-affirming care fails to meet professionally recognized
16 standards of care; and a January 13, 2025, lawsuit filed with a coalition of 12 states that
17 challenged efforts to require HHS grant recipients to comply with President Donald Trump’s
18 executive order targeting transgender, nonbinary, intersex, and gender-nonconforming
19 individuals; and

20 WHEREAS, To date, no federal law or legally binding final ruling has been
21 implemented to prohibit healthcare organizations from providing gender-affirming care to
22 youth or adults, or restrict their federal funding or participation in federally funded programs for
23 providing these services; and

24 WHEREAS, Attorney General Bonta recently issued guidance, on file with the Clerk of
25 the Board of Supervisors in File No. 260092, which is hereby declared to be a part of this

1 Resolution as if set forth fully herein, confirming that “gender-affirming healthcare services,
2 and gender-affirming mental healthcare services are rights secured by the Constitution and
3 laws of California.”; and

4 WHEREAS, Healthcare providers serving San Francisco residents and employees
5 have recently chosen to preemptively discontinue, pause, or delay providing specific
6 categories of gender-affirming care to youth and young adults; and

7 WHEREAS, Healthcare providers serving San Francisco residents and employees
8 have made internal or publicly announced plans to comply in advance by ceasing gender-
9 affirming care services for youth before any final rule is enacted, either at the end of the public
10 comment period for the proposed rules or before the inevitable litigation runs its course; and

11 WHEREAS, The continuity of healthcare services is critically important for both the
12 physical and mental well-being of TGNCI2S children and youth, and that uncertainty as well
13 as delays or stoppages in care can result in real and lasting harm to youth and their families;
14 and

15 WHEREAS, California state laws, including the Unruh Civil Rights Act (Civil Code
16 Section 51) and Government Code, Section 11135, on file with the Clerk of the Board of
17 Supervisors in File No. 260092, which is hereby declared to be a part of this Resolution as if
18 set forth fully herein, prohibit discrimination on the basis of sexual orientation or gender
19 identity, including prohibition of healthcare providers and insurers from discriminating or
20 denying healthcare services to a patient for being transgender, nonbinary, gender-
21 nonconforming, or intersex, or due to a diagnosis of gender dysphoria; and

22 WHEREAS, California state law further affirms the right of any resident to receive
23 medically necessary gender-affirming care or any other medically necessary healthcare
24 without discrimination; and
25

1 WHEREAS, Everyone deserves the fundamental right to access the healthcare they
2 need without fear of discrimination, prejudice, or barriers to treatment that will support their
3 mental, physical, and emotional well-being; and

4 WHEREAS, Gender-affirming care is medically necessary, age-appropriate, safe,
5 backed by decades of research, and supported by every major American and international
6 medical associations, regardless of the HHS's recent statements to the contrary; now,
7 therefore, be it

8 RESOLVED, That the City and County of San Francisco hereby reaffirms the right of all
9 TGNCI2S residents and employees of San Francisco to access and receive gender-affirming
10 care in accordance with local and statewide legal protections and obligations; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors strongly urge healthcare
12 providers and insurance carriers serving San Francisco residents or employees or their
13 families to adhere to state and local laws mandating access to medically necessary
14 healthcare, including gender-affirming care; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors condemns any healthcare
16 providers and insurance carriers that are preemptively stopping, delaying, or impeding
17 patients' access to state-protected, medically necessary gender-affirming care, prior to full
18 legal implementation of federal regulations or changes in statute that bars the provision of, or
19 prohibits participation in federally funded programs for youth gender-affirming care; and be it

20 FURTHER RESOLVED, That the Clerk of the Board is hereby directed to transmit
21 copies of this Resolution to California Governor Gavin Newsom, California Attorney General
22 Rob Banta, Speaker of the California State Assembly Robert Rivas, and California Senate
23 President pro Tempore Monique Limón, as a demonstration of the Board's solidarity with state
24 efforts to uphold California's legally mandated protection of access to gender-affirming
25 healthcare.