



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

EXECUTIVE ORDER NO. 32

**PROHIBITING USE OF CITY RESOURCES TO ASSIST JURISDICTIONS SEEKING TO
ENFORCE PROHIBITIONS ON GENDER-AFFIRMING CARE**

June 12, 2023

WHEREAS, the City of New York is the birthplace of the modern LGBTQ+ rights movement, and the City has long taken administrative actions and advocated for and enacted legislation to create a welcoming and supportive environment for the LGBTQ+ community; and

WHEREAS, health care should not be denied to anyone because of their sexual orientation, gender identity, or gender expression; and

WHEREAS, the City has a longstanding commitment to protecting all New Yorkers' 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 has specifically committed to protect these rights for the LGBTQ+ community, as demonstrated by the City's LGBTQ Health Care Bill of Rights, which details health care protections available to LGBTQ+ patients in the City; and

WHEREAS, recognition of the dignity and protections for the rights of individuals with respect to their gender identity is firmly established in the laws of the City of New York and the State of New York, including laws relating to: (1) the prevention of, and civil and criminal penalties for, hate crimes and offensive conduct, (2) the prevention of, and civil remedies for, discrimination and harassment, (3) mental health care, (4) the collection of demographic data and recording of gender identity in public records, (5) training requirements, and (6) planning for more affirming and efficient direct services; and

WHEREAS, gender-affirming care is essential to the health and wellness of many transgender and non-binary people, and major medical organizations that collectively represent over 1.3 million doctors in the United States, including the American Medical Association, the American Academy of Family Physicians, and the American Academy of Pediatrics, recognize the medical necessity of age-appropriate gender-affirming care for transgender and non-binary people; and

WHEREAS, at least 20 states have enacted legislation restricting gender-affirming care for minors, and at least 34 states have introduced legislation to restrict or prohibit access to gender-affirming care; and

WHEREAS, the City is committed to ensuring that no one who is seeking, obtaining, providing or facilitating gender-affirming care is subjected to criminal penalties, legal liability, or professional sanctions solely for engaging in those actions;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

§ 1. No resources of a Mayoral agency, including, but not limited to, City property or time spent while on duty by a covered employee, shall be used for:

a. the detention of an individual on grounds that they are known or believed to have (i) lawfully sought, obtained, provided or facilitated gender-affirming care in the State of New York; or (ii) sought, obtained, provided or facilitated gender-affirming care outside the State of New York in circumstances where such conduct would have been lawful had it occurred in the State of New York;

b. cooperation with an investigation of an individual being conducted because such individual is known or believed to have sought, obtained, provided or facilitated gender-affirming care outside the State of New York under circumstances where their conduct would have been lawful had it occurred in the State of New York.

For the purposes of this Order, a provider whose professional license in the state where they practice would have qualified them to provide such care if it were lawful to do so in such state shall be considered to have been qualified to provide such care in the State of New York.

§ 2. a. Nothing in this Order shall prohibit the civil or criminal investigation of an individual suspected or alleged to have provided or facilitated gender-affirming care not in accordance with applicable provisions of the laws of the City of New York and the State of New York, or cooperation in such an investigation, provided that, to the extent legally permissible, no information that may identify any individual alleged to have sought or obtained gender-affirming care shall be disclosed to investigating personnel or defense counsel without the prior consent of the individual alleged to have sought or obtained such care.

b. Nothing in this Order shall prohibit the civil or criminal investigation of an individual suspected or alleged to have provided or facilitated gender-affirming care in another state in a manner that would be prohibited by the laws of the City of New York and the State of New York, or cooperation in such an investigation, provided that, to the extent legally permissible, no information that may identify any individual alleged to have sought or obtained gender-affirming care shall be disclosed to law enforcement personnel or defense counsel without the prior consent of the individual alleged to have sought or obtained such care.

§ 3. a. Nothing in this Order shall prohibit a Mayoral agency or covered employee from making a disclosure relating to an individual who has sought or obtained gender-affirming care when that individual has consented in writing to the disclosure.

b. Nothing in this Order shall prohibit a Mayoral agency or covered employee from complying with a request for information relating to a proceeding that (1) sounds in tort or contract, or is based on

statute, (2) is brought under (A) the laws of the City of New York or the State of New York, or (B) law of another state for which there is an equivalent or similar cause of action in the State of New York, and (3) has been brought by an individual who claims to have sought or obtained gender-affirming care.

§ 4. Nothing in this Order shall:

- a. require a Mayoral agency or covered employee to fail to comply with a court order from a court of competent jurisdiction; or
- b. prevent compliance with laws that provide individuals a right to any information or document pertaining to their own gender-affirming care.

§ 5. Nothing in this Order shall prevent a Mayoral agency or covered employee from cooperating with or providing information to any person for scientific study or research being undertaken for the purpose of the reduction of morbidity and mortality or the improvement of the quality of medical care, provided that such disclosures are consistent with applicable laws, rules, and regulations, and are approved by the Mayoral agency.

§ 6. Nothing in this Order shall prevent a Mayoral agency or covered employee from taking such actions as are necessary to carry out their legal responsibilities with respect to a minor. Any disclosure made for such purposes that identifies individuals who have sought, obtained, provided or facilitated gender-affirming care, or the services related to gender-affirming care that were sought, obtained, provided or facilitated shall be limited to the amount of information reasonably necessary to achieve the purpose of the disclosure.

§ 7. Definitions. As used in this Order, the following terms have the following meanings:

- a. City property. The term “City property” means any real property leased or owned by the City that serves a City governmental purpose and over which the City has operational control.
- b. Conversion therapy. The term “conversion therapy” (i) means any practice that seeks to change an individual's behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex; and (ii) shall not include counseling for a person seeking to transition from one gender to another, or psychotherapies that: (A) provide acceptance, support and understanding of patients or the facilitation of patients' coping, social support and identity exploration.

services delivered in person and by telehealth. Gender-affirming care does not include conversion therapy.

e. Seeking, obtaining, providing, or facilitating gender-affirming care. The term “seeking, obtaining, providing, or facilitating gender-affirming care” includes, but is not limited to, any of the following: expressing interest in, inducing, using, performing, furnishing, paying for, disseminating information about, arranging, insuring, assisting, or otherwise taking action to engage in gender-affirming care; or attempting any of the same.

§ 8. All entities that are agencies as defined in Charter § 1150, but are not Mayoral agencies, are encouraged to adopt the policies set forth in this Order.

§ 9. Agency general counsels, in consultation with the Law Department and the agency privacy officer, as necessary, shall be responsible for (i) evaluating any requests for detention or cooperation contemplated in Section 1 of this Order, and (ii) evaluating the context of any other request for information relating to an individual and gender-affirming care that is not contemplated in this Order, and any steps to limit disclosure of such information, where appropriate.

§ 10. This Order takes effect immediately. Where the provisions of this Order cannot be applied consistently with currently applicable contracts, such provisions shall only apply with respect to contracts entered into or renewed after the effective date of this Order.



Eric Adams
Mayor