


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS UNGER AND BROWN

RESOLUTION REAFFIRMING OAKLAND'S COMMITMENT TO THE RIGHT OF ITS TRANSGENDER, GENDER-NONCONFORMING, INTERSEX AND TWO-SPIRIT (TGNCL2S) RESIDENTS AND EMPLOYEES TO OBTAIN GENDER-AFFIRMING CARE WITHOUT DISCRIMINATION; AND DEMANDING HEALTHCARE PROVIDERS AND INSURANCE CARRIERS OPERATING WITHIN THE CITY TO ADHERE TO STATE AND LOCAL LAWS MANDATING ACCESS TO MEDICALLY NECESSARY HEALTHCARE, INCLUDING GENDER-AFFIRMING CARE

WHEREAS, the City of Oakland is home to major healthcare providers Alta Bates Summit Medical Center (Sutter), Kaiser Oakland Medical Center, and UCSF Benioff Children's Hospital; and

WHEREAS, Sutter Health serves over 630,000 patients in the East Bay and Kaiser serves over 350,000; and

WHEREAS, as of August 2025, Kaiser Oakland, which provides care to over 250,000 Oakland patients, no longer provides gender-affirming surgeries for patients under 19 years old; and

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

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

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

WHEREAS, on December 18, 2025, California Attorney General Rob Bonta publicly stated California’s intention to legally challenge these rules in a press release that if “the Trump Administration puts forth final rules similar to these proposals, we stand ready to use every tool in our toolbox to prevent them from ever going into effect”; and

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

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

WHEREAS, Attorney General Bonta recently issued guidance confirming that “gender-affirming healthcare services, and gender affirming mental healthcare services are rights secured by the Constitution and laws of California;” and

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

WHEREAS, California state law, including the Unruh Civil Rights Act (Civil Code section 51) and Government Code Section 11135, prohibit discrimination on the basis of sexual orientation or gender identity, including prohibition of healthcare providers and insurers from discriminating or denying healthcare services to a patient for being transgender, nonbinary, gender nonconforming, or intersex, or due to a diagnosis of gender dysphoria; and

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

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

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

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

FURTHER RESOLVED, That the Oakland City Council demands that healthcare providers and insurance carriers serving Oakland residents or employees or their families to adhere to state and local laws mandating access to medically necessary healthcare, including gender-affirming care; and be it

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

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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