

ORDINANCE
AN ORDINANCE AMENDING CHAPTER 13 ("HUMAN RIGHTS") OF THE OAK PARK
VILLAGE CODE BY ADDING A NEW ARTICLE 9 ("GENDER AFFIRMING CARE")

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution of 1970, provides that the "powers and functions of home rule units shall be construed liberally," and written "with the intention that home rule units be given the broadest powers possible," *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992), and this Ordinance is adopted pursuant to such authority; and

WHEREAS, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, pursuant to its Constitutional home rule powers, the Village has authority to "perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare," Ill. Const. art. 7 § 6, by adopting ordinances and promulgating rules and regulations that pertain to its government and affairs that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Illinois Lawful Health Care Activity Act, 735 Illinois Compiled Statutes 40/28-5 *et seq.* (the "Act") sets forth the fundamental rights of individuals in the State of Illinois to obtain "lawful health care" which includes the "treatment of gender dysphoria or the affirmation of an individual's gender identity or gender expression;" and

WHEREAS, the Village has determined to adopt this Ordinance pursuant to its home rule powers and the Act to affirm the gender identity or gender expression fundamental rights of individuals in Oak Park; and

WHEREAS, access to gender-affirming care is a human right and decisions regarding such care should be made by a patient with input from their healthcare provider; and

WHEREAS, now more than twenty states have banned or severely limited health care to align a young person's body with their gender identity; and

WHEREAS, the Village strives to serve as a model and commit to support and defend a person's right to bodily autonomy and the right to access gender affirming health services; and

WHEREAS, the Village will continue to uphold everyone's equality and liberty by protecting their fundamental rights to make autonomous decisions about expression of gender identity and access to safe and legal gender affirming care, welcoming anyone to Oak Park to fully exercise their gender identity rights; and

WHEREAS, the adoption of this Ordinance is intended to demonstrate the Village's strong commitment to safe and legal access to gender affirming care services and products.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 13 (“Human Rights”) of the Oak Park Village Code is amended to add a new Article 9 (“Gender Affirming Care”) to read as follows:

ARTICLE 9 GENDER AFFIRMING CARE

- 13-9-1: Purpose and Intent**
- 13-9-2: Definitions**
- 13-9-3: Limitation on Enforcement Related to Reproductive Health Care**
- 13-9-4: Requesting Information Prohibited**
- 13-9-5: Objection to Subpoena or Requests for Information**
- 13-9-6: Incorporation of the Illinois Lawful Health Care Activity Act; Conflict**

13-9-1: PURPOSE AND INTENT: The purposes of this article include protecting all persons’ bodily autonomy, but particularly in the area of gender identity and to support access to the full scope of quality gender affirming care for all in the Village, establishing the Village’s approach to healthcare that supports and affirms the gender identity of transgender, non-binary, and gender-diverse individuals, and providing a safe and supportive environment for these individuals to access the medical, social, and emotional support needed to fully embrace their gender identities.

13-9-2: DEFINITIONS:

The following words and phrases, when used in this article, have the following meanings:

AGENCY: Every Village department, division, commission, committee, board, or other body established by authority of an ordinance, or Village Board resolution.

AGENT: Any person employed by or acting on behalf of an agency or other person acting under color of law on behalf of the Village.

GENDER AFFIRMING CARE: Lawful healthcare as defined in Subsection (2) of 735 Illinois Compiled Statutes 40/28-10, as amended, including, without limitation, the treatment of gender dysphoria or the affirmation of an individual's gender identity or gender expression.

13-9-3: LIMITATION ON ENFORCEMENT RELATED TO GENDER AFFIRMING CARE:

No Village agent or agency or using resources or assets belonging to the Village may conduct any investigation, detain any person, make any arrest, file any criminal charges, cooperate with any other officer, agent, agency, entity, or department, or participate in any prosecution in which a person or entity is accused of facilitating, providing, or receiving gender affirming care services or products obtained in conformance with the laws of the State of Illinois.

13-9-4: REQUESTING OR PROVIDING INFORMATION REGARDING GENDER AFFIRMING CARE PROHIBITED:

No Village agent or agency may request or provide information about or otherwise investigate or assist in the investigation of a person or entity for facilitating, providing, or receiving gender affirming care services or products obtained in conformance with the laws of the State of Illinois.

13-9-5: OBJECTION TO SUBPOENA OR REQUESTS FOR INFORMATION:

The Village will object to any subpoena or requests for information from any out-of-state person or entity for the purposes of investigating a law criminalizing gender affirming care as set forth in this article or creates civil liability for gender affirming care.

13-9-6: INCORPORATION OF THE ACT; CONFLICT:

The Illinois Lawful Health Care Activity Act, 735 Illinois Compiled Statutes 40/28-5 *et seq.* (the “Act”), is incorporated herein by reference as part of this article. In the case of a conflict between a provision of the Act and a provision of this article, the provision of the Act control. The remedy for a violation of this article will be as set forth in the Act.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity thereof will not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance will be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this ___th day of ____, 2025, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Eder				
Trustee Enyia				
Trustee Leving Jacobson				
Trustee Straw				
Trustee Taglia				
Trustee Wesley				

APPROVED this ____ day of ____, 2025.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this ____ day of ____, 2025.

Christina M. Waters, Village Clerk