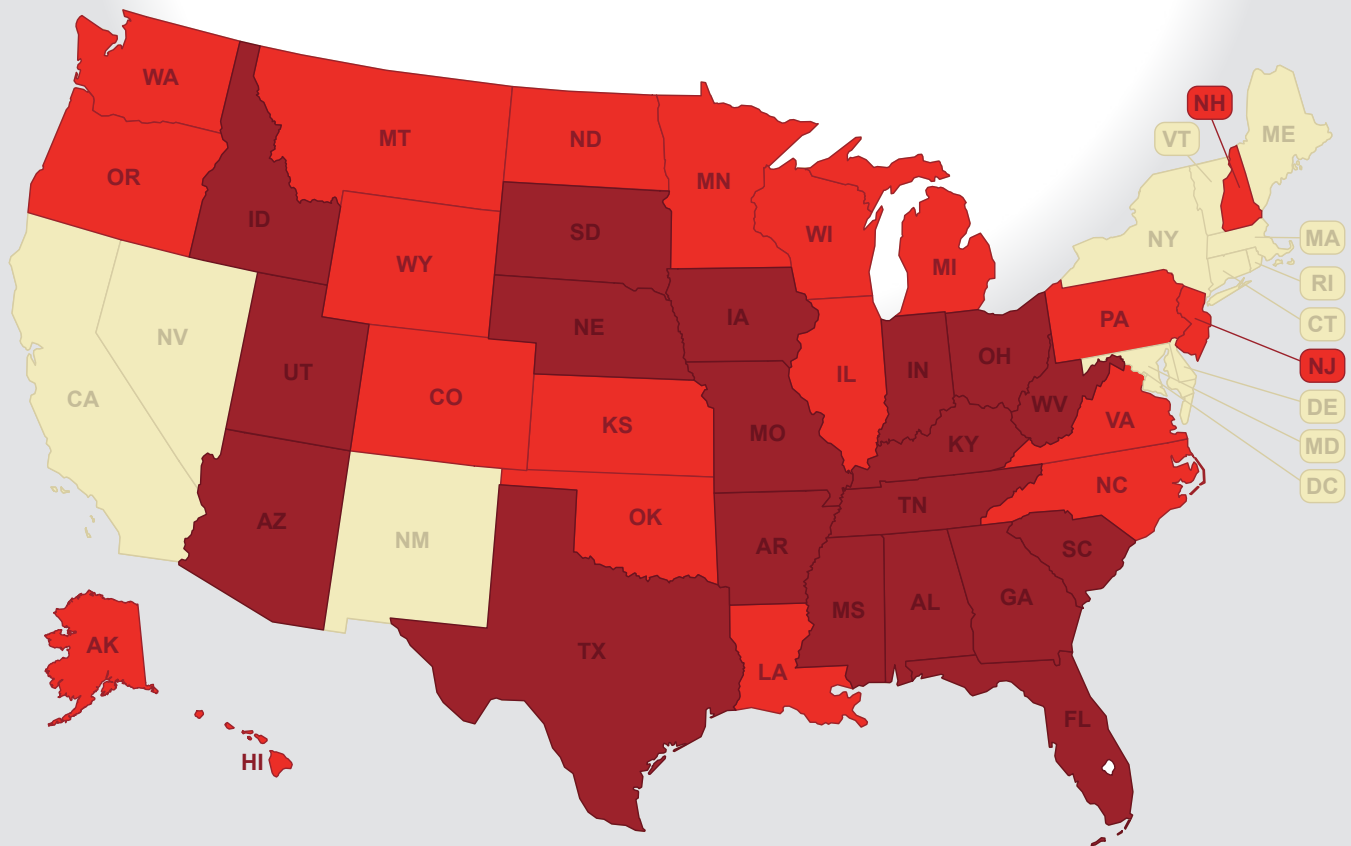


# LGBTQ POLICY SPOTLIGHT: BANS ON MEDICAL CARE FOR TRANSGENDER PEOPLE



■ State currently bans or restricts best practice medical care for at least some transgender people (19 states)    ■ State has considered a bill to ban or restrict best practice medical care for at least some transgender people (since 2017) (20 states)    ■ State has no bill or law banning best practice medical care for transgender people (11 states + D.C.)

Note: This map shows legislative efforts to ban or restrict medical care for transgender people since 2017 (light red). This map also shows any current ban or restriction, including those that pre-date 2017, on medically necessary care for transgender people, whether through youth-specific bans, private insurance, or state Medicaid programs (dark red).  
Source: MAP's Equality Maps and bill tracking. Data as of April 15, 2023.

## EXECUTIVE SUMMARY

In less than three months, 2023 has already set new records for anti-LGBTQ, and especially anti-transgender, legislation in the United States. In particular, 2023 has brought devastating and unprecedented attacks on transgender people and their ability to live safely and freely. This is nowhere more evident than in the escalating efforts to restrict, ban, and even criminalize transgender people's access to medically necessary care, sometimes also called "gender-affirming care."

While most of the public focus has been on recent efforts to ban medical care for transgender youth, this report shows how these attacks are part of a much larger effort to ban medical care for *all transgender people*. In fact, just days before this report's publication, Missouri became the first state to effectively ban gender-affirming care for all transgender people, regardless of age.

The findings demonstrate how recent bills to ban or restrict medical care for transgender people are growing in number, growing in scope, and growing more and more extreme to harm more people than ever before. This shows that the ultimate goals of these bills, and of the extremists and politicians pushing them, are to make it impossible for transgender people to transition, to be their authentic selves, and even to exist.

### Current Policy Landscape: Transgender People's Access to Medical Care

Historically, it has been notoriously difficult for transgender people to access gender-affirming care. Transgender people face extraordinarily high rates of employment discrimination, blocking their access to health insurance and economic security. Even those with health insurance have faced decades of obstacles such as discrimination in healthcare settings, a scarcity of competent, affirming medical providers, and insurance companies routinely denying coverage of such care, despite its medical necessity. Both legislation and administrative policies have also blocked access to or denied coverage of transgender-related health care, such as in state Medicaid policies and more.

Today, it remains difficult for many transgender people to access best practice medicine. For example:

- Only 22 states, Puerto Rico, and the District of Columbia currently ban **discrimination in health insurance** on the basis of gender identity, meaning

that such discrimination is legal under state law in over half of U.S. states.

- Only 24 states and the District of Columbia ban "**transgender exclusions**" in insurance, meaning that, in the other 26 states, state law allows health insurance companies to categorically refuse to cover any transgender-related health care.
- At least 11 states explicitly exclude coverage of medically necessary care for transgender people in the state **Medicaid** program, including two states whose exclusions apply to minors only—though in practice these exclusions will likely set precedent for future, broader exclusions. Thirteen states have no explicit policy, and this absence of a clearly inclusive policy leads to obstacles and inconsistent access to health care for transgender people.
- Currently, 15 states **ban best practice medical care for transgender youth**, including one state that bans only surgical care for transgender youth. Prior to 2021, no state had a ban on medically necessary care for transgender youth. As a result, today, nearly one in five (19%) transgender youth live in states that ban medically necessary care for transgender youth, and that number is certain to grow in the coming months as many more states are still actively pursuing similar bans.
- Importantly, these discriminatory and exclusive policies are especially harmful to transgender people of color, and particularly Black transgender people, who are more likely to live in states with such laws.

### Recent Explosion of Bills That Would Ban Medically Necessary Care for Transgender People

For this report, MAP identified more than 250 bills attacking health care for transgender people, covering 2017 to April 1, 2023. This analysis reveals:

- Very few such bills were introduced from 2017 to 2019, illustrating that this is a recently manufactured "problem" designed for political purposes.
- The current wave of legislation attacking transgender health care began in 2020, when over a third of states (17) considered such a bill.
- In just the first three months of 2023, more bills attacking transgender health care have been introduced than in the last six years combined. Virtually all these bills explicitly target transgender youth, though, as shown in this report, a growing

share of these bills would also restrict access to health care for at least some transgender adults.

- From 2017 to April 2023, more than three-quarters of states (39) have considered a bill attacking transgender health care, including 15 states that have enacted new bans or restrictions.

## Over Time, Transgender Healthcare Bans Are Growing in Scope and Extremism

MAP analyzed the more than 250 bills introduced between 2017 and April 1, 2023, with a particular focus on the bills introduced since 2020 when the current wave of anti-transgender legislation began. While all of these bills seek to ban or restrict medical care for at least some transgender people, MAP also analyzed the many other provisions often also contained within these bills, as well as trends over time. The findings show the dramatic and escalating attacks on transgender people, including:

- **Banning care for transgender adults.** In 2020, only one bill applied to at least some transgender adults, but in 2023, nearly three in 10 (29%) bills would ban or restrict care for at least some transgender adults (in addition to youth). This growing extremism is now a stark reality in Missouri, which in April 2023 became the first state to effectively ban care for *all transgender people*.
- **Banning state funds for medical care.** In 2020, no bills contained such a provision, but nearly half of the 2023 bills would ban state funds from going toward best practice medical care for at least some transgender people.
- **Banning private insurance coverage or allowing refusals of coverage.** Some bills also prohibit private insurers from covering or reimbursing medically necessary care for transgender people, while other provisions allow insurers to categorically refuse to cover such care.
- **Criminal charges and other penalties.** Bills vary in their penalties, ranging from a loss of medical license for a healthcare provider to lawsuits, criminal and/or child abuse charges, as well as a growing trend of empowering state Attorneys General to take further action to end gender-affirming care.
- **Expanding targets.** While most bills target medical providers, more than a third of all bills from 2020 through 2023 target someone other than or in addition to medical providers—such as parents of transgender children, teachers, or even friends or neighbors.

- **Forced outing of transgender youth.** In addition to banning health care, at least 16% of all bills from 2020 to 2023 contain explicit provisions that would force school staff, and sometimes any government employee, to out youth to their parent(s) if they express any thought or indication they may be transgender—often regardless of whether the home environment might be safe for that student.
- **Exceptions for intersex children.** Across all bills from 2020 to 2023, at least 81% of bills attacking transgender health care also contain explicit exceptions allowing non-consensual surgeries on intersex children.
- **Exclusionary definitions of sex.** Across all bills from 2020 to 2023, more than two-thirds (69%) of bills would also create new, explicit legal definitions of sex that would effectively erase any legal recognition of transgender people, with the potential to restrict their rights throughout state law, not only in health care.
- **And more.** Each year, new provisions emerge, illustrating the continuing efforts to both ban care for transgender people and to use these bills as a vehicle for other anti-transgender attacks.

## The Impacts of Efforts to Ban Medical Care for Transgender People

Bills trying to restrict or outright ban medically necessary care for transgender people all try to take decisions away from patients, their families, and their doctors, and instead give that power to politicians and bureaucrats. People who don't have a transgender child may not understand the nuances of this medical care, it is parents, doctors, and the patient who should decide—not politicians. Unsurprisingly, banning such medical care entirely causes clear and direct harm to transgender people, as well as their families, medical providers, and broader communities.

## Conclusion

Across the country, anti-transgender extremist groups and politicians are putting the lives and well-being of transgender people at risk by outlawing access to best practice medical care—despite this care being backed by decades of research and supported by the American Medical Association, the American Academy of Pediatrics, and every leading health authority. While these bills are startling and dangerous on their own, they must also be recognized for what they are: part of a broader effort to prevent transgender people from existing at all.

## ABOUT THIS SPOTLIGHT

This report is part of an ongoing series that will provide in-depth analyses of laws and policies tracked at the Movement Advancement Project's "Equality Maps," found at [www.lgbtmap.org/equality-maps](http://www.lgbtmap.org/equality-maps). The information in this report is current as of the date of publication.



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