

BANNING MEDICAL CARE AND LEGAL RECOGNITION FOR TRANSGENDER PEOPLE

SEPTEMBER 2023



UNDER FIRE

THE WAR ON LGBTQ PEOPLE IN AMERICA



movement advancement project ▶

This report was authored by:

Movement Advancement Project

MAP's mission is to provide independent and rigorous research, insight, and communications that help speed equality and opportunity for all people. MAP works to ensure that all people have a fair chance to pursue health and happiness, earn a living, take care of the ones they love, be safe in their communities, and participate in civic life. For more information, visit www.mapresearch.org.

Contact information

Movement Advancement Project
1905 15th Street #1097
Boulder, CO 80306
1-844-MAP-8800
www.mapresearch.org

Recommended citation

Movement Advancement Project. September 2023. *Under Fire: Banning Medical Care and Legal Recognition for Transgender People*. <https://www.mapresearch.org/under-fire-report>.

MAP IS VERY GRATEFUL TO THE FOLLOWING MAJOR FUNDERS, WHOSE GENEROUS SUPPORT MAKES IT POSSIBLE FOR US TO DO OUR WORK:

David Bohnett Foundation
David Dechman & Michel Mercure
Gill Foundation
Esmond Harmsworth
Evelyn & Walter Haas, Jr. Fund
Jim Hormel
Johnson Family Foundation
Laughing Gull Foundation
Weston Milliken
Ineke Mushovic
The Palette Fund
Mona Pittenger
Ronald W. Naito MD Foundation
MacKenzie Scott
Ted Snowdon Foundation
Tzedek Social Justice Fund
Van Ameringen Foundation
Wild Geese Foundation

TABLE OF CONTENTS

WHAT MAKES THIS MOMENT DIFFERENT: A FIRESTORM 1

OPPONENTS' GOAL: ERASE TRANSGENDER PEOPLE FROM SOCIETY 2

OPPONENTS' TACTICS: HOW THEY ARE ACCOMPLISHING THEIR GOALS 2

#1: Banning or Severely Restricting Health Care for Transgender Youth..... 3

#2: Banning or Severely Restricting Health Care for Transgender Adults..... 4

#3: Banning or Restricting Transgender People's Ability to Live Openly & Participate in Daily Life..... 6

#4: Banning or Rolling Back Legal Recognition and Protections..... 9

#5: Criminalizing & Harassing Those Who Support Transgender People..... 9

WHAT'S NEXT 10



**THIS IS THE FIFTH REPORT
IN THE *UNDER FIRE* SERIES
FROM THE MOVEMENT
ADVANCEMENT PROJECT
(MAP).**

**THE ENTIRE SERIES IS
AVAILABLE [HERE](#).**

WHAT MAKES THIS MOMENT DIFFERENT: A FIRESTORM

LGBTQ people in America are under attack like never before. Some of what is happening across the country is appearing in the media. Certainly, there has been increased attention to so-called “Don’t Say Gay or Trans” bills and efforts to censor school curricula, ban books, ban transgender youth from playing sports, and ban transition-related care for transgender youth.

However, seeing each of these issues individually is like focusing on a single skirmish without understanding that they are part of a larger war against LGBTQ people in America. Anti-LGBTQ forces will settle for nothing less than eliminating openly LGBTQ people from the fabric of society. They are launching fast, furious, and coordinated attacks that are astonishing in their breadth, cruelty, and flagrant disregard for personal freedoms.

In this series from the Movement Advancement Project, and outlined in more detail below, opponents of LGBTQ people are pursuing their goals through policies that:

- **Erase LGBTQ people from schools and public life.** They want to make it impossible for LGBTQ youth to be themselves in schools—banning or fining teachers and schools for even talking about LGBTQ people or issues, pulling books off library shelves, and banning teachers from supporting LGBTQ students. In short, they want LGBTQ youth to be treated like they don’t exist, and those who disagree will be fired, fined, or even imprisoned.
- **Banning medical care and legal recognition for transgender people.** Opponents want to make it impossible for transgender people to be themselves by banning transition-related care and criminalizing supportive parents and doctors. They are also prohibiting transgender and nonbinary people from updating their identity documents like birth certificates, driver’s licenses, and ID cards. They are passing policies requiring governments, schools, and teachers to only recognize sex assigned at birth or inaccurate pronouns.

- **Enshrine inequality.** They want to enshrine legal inequality so that LGBTQ people and their families will be poorer, less secure, and face more obstacles. This includes repealing or fighting nondiscrimination protections so that LGBTQ people can be fired or not hired, refused housing, denied service in public places, even denied medical care, and more.
- **Erect systemic and structural barriers to make change harder.** By rolling back voting rights, doubling down on gerrymandering, insulating lawmakers from accountability, and much more, these opponents have made it even harder than ever before for individuals to make change, or to elect leaders who reflect the values held by the majority of Americans, including support for LGBTQ people.
- **Silence supporters.** Anti-LGBTQ opponents also want to silence, sue, fine, and penalize parents, teachers, doctors, companies, and others who are LGBTQ allies.

In all these efforts, opponents are using increasingly dangerous and inflammatory rhetoric to vilify LGBTQ people. Anti-LGBTQ activists paint LGBTQ people as predators and foment violence against them. The resurgence of the “groomer” narrative—that LGBTQ people are explicitly sexualizing and abusing children—is particularly troubling and dangerous. These harmful narratives seek to push LGBTQ people to the corners of society and have them fear for their lives.

It is a mistake to see 2023 as a moment of progress with a few setbacks. In reality, it is clear this is a war against LGBTQ people in America and their very right and ability to openly exist.

This report, the fifth in the *Under Fire* series, focuses on efforts to criminalize medical care and legal recognition for transgender people. All the reports in this series are available [here](#), including MAP’s overview report released in February 2023.

OPPONENTS' GOAL: ERASE TRANSGENDER PEOPLE FROM SOCIETY

Since at least 2017, anti-LGBTQ activists have ramped up their coordinated efforts to erase transgender people from society, including by criminalizing transgender-related medical care (sometimes called gender-affirming care) and blocking transgender people from accessing jobs, housing, public spaces, legal identification and recognition, and simply the ability to live their lives. These efforts have ranged from attempts to roll back nondiscrimination protections for transgender people or to explicitly allow for such discrimination, to bans or restrictions on the ability of transgender people to obtain accurate identity documents, as well as bans on transgender youth playing school sports, using restroom facilities according to their gender identity, and bans on medically necessary health care, often regardless of age.

This dramatic and rapid expansion of attacks on transgender people and rights in recent years has made the broader goal of anti-LGBTQ activists crystal clear: as one speaker at the Conservative Political Action Conference (CPAC) shouted to the crowd, “[transgender people] must be eradicated from public life entirely.”

OPPONENTS' TACTICS: HOW THEY ARE ACCOMPLISHING THEIR GOALS

In just the last few years, devastating and unprecedented attacks on transgender people and their ability to live safely and freely have dramatically increased. This year, in particular, has shattered previous records for anti-LGBTQ—and especially anti-transgender—legislation, with over 725 anti-LGBTQ bills introduced in state legislatures this year alone, as shown in *Figure 1*. This figure more than double 2022’s record, and the large majority of 2023’s bills specifically attacked transgender people and rights.

While most of the public focus has been on recent efforts to ban medical care for transgender youth, these attacks are part of a much larger, coordinated effort to erase transgender people entirely, as discussed above. Anti-LGBTQ extremists want to make it impossible for transgender people to be themselves and to be legally recognized according to their gender identity. They are pursuing—and too often accomplishing—these goals through a broad range of tactics and attacks across the country.

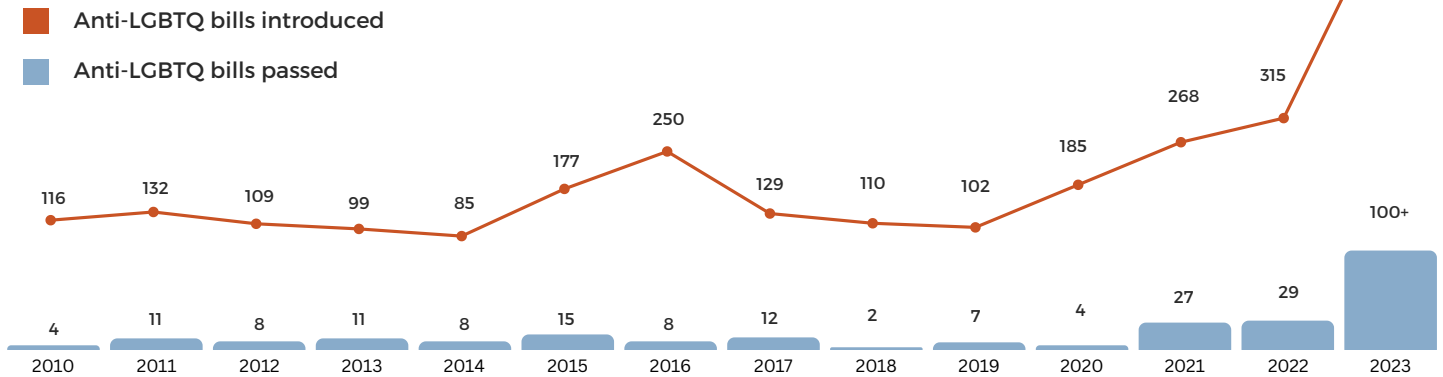
As discussed in the first report in this *Under Fire* series, and as briefly illustrated in Figure 1, anti-LGBTQ extremists have dramatically increased the quantity and speed of their

OPPONENTS' GOAL: ERASE TRANSGENDER PEOPLE

-  **Tactic #1:** Banning or Severely Restricting Health Care for Transgender Youth
-  **Tactic #2:** Banning or Severely Restricting Care for Transgender Adults
-  **Tactic #3:** Banning or Severely Restricting Transgender People’s Ability to Live Openly & Participate in Daily Life
-  **Tactic #4:** Banning or Rolling Back Legal Recognition & Protections
-  **Tactic #5:** Criminalizing & Harassing People Who Support Transgender People



Figure 1. Rapid Increase in the Number of Anti-LGBTQ Bills Introduced and Passed from 2020 to 2023

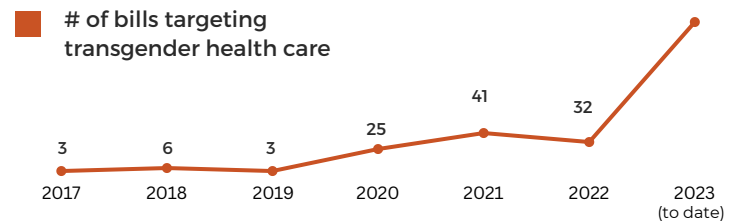


Source: data adapted from Human Rights Campaign and the Equality Federation's *State Equality Index* (2022), and updated with 2023 tracking by MAP. As of August 28, 2023.

attacks and the sheer hostility and dehumanization within their efforts.

Taken together, this escalation and the wide variety of tactics targeting transgender people have created an unprecedented moment of risk, vulnerability, fear, and precarity for transgender people across the country—with dozens of states actively enacting new, anti-transgender laws in a breathtakingly short amount of time.

Figure 2. Explosion of Bills Targeting Transgender Health Care In Recent Years – Nearly All Target Youth



Source: MAP original analysis. Data as of August 28, 2023.



TACTIC #1: BANNING OR SEVERELY RESTRICTING HEALTH CARE FOR TRANSGENDER YOUTH

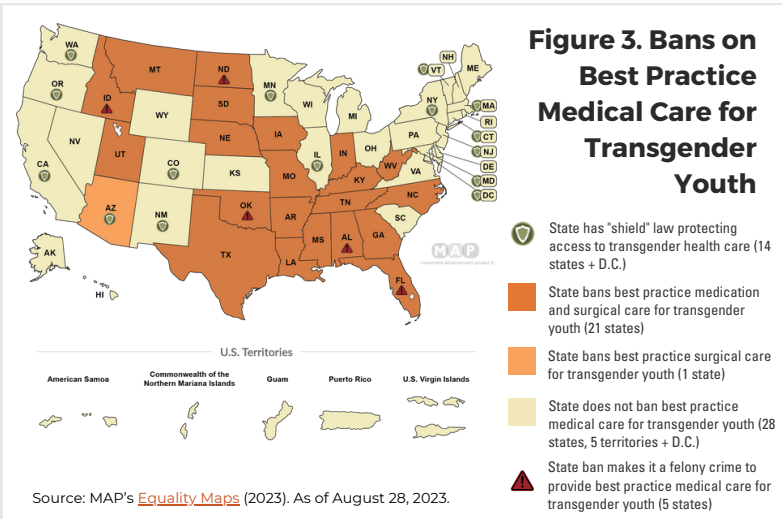
Bans on best-practice medical care represent one of the most extreme and coordinated political attacks on transgender people in recent years. These bills target transgender youth by blocking their access to best-practice medical care, care that is backed by years of rigorous research and endorsed by the American Academy of Pediatrics, the American Medical Association, and other leading health authorities.

This policy issue is a recently manufactured “problem” designed by far-right, anti-LGBTQ extremists to gain political power and pursue their broader goals of removing transgender people from society.

[MAP research released earlier this year](#) analyzed the over

250 state bills attacking transgender-related health care introduced from 2017 to April 2023, showing the recent manufacturing of this issue, as well as the speed and escalation of opponents’ attacks. For example:

- As recently as March 2021, not a single state banned best-practice medical care for transgender youth, and very few states had ever considered such a bill.
- More bills attacking transgender health care were introduced in 2023 alone than in the previous six years (2017-2022) combined, as shown in *Figure 2*.
- Since 2017, nearly four out of five states (39 in total) have introduced a bill attacking transgender health care, with the vast majority of these bills targeting medical care for transgender youth specifically.



To date, 22 states have enacted bans on best practice medical care for transgender youth, as seen in *Figure 3* above. In another demonstration of the rapid escalation of these attacks, 19 of these 22 state bans were enacted this year alone. No other LGBTQ policy issue has moved this quickly. For comparison, 2004 was one of the worst years in the fight for marriage equality, with 13 states banning marriage equality for LGBTQ people.¹

As a result of this rapid shift in state policy, this means that now over one in three (35%) transgender youth live in states that ban or severely restrict medically necessary health care—up from 4% at the beginning of this year. And, as illustrated in *Figure 3*, these laws have been enacted in virtually the entire U.S. South, as well as much of the Midwest, leaving transgender youth and their families in nearly entire regions of the country without access to medically necessary care.

Importantly, not all these bans are currently or yet in effect; in fact, [lawsuits have been filed against these bans in at least 13 of these states](#), and to date, nearly all decisions

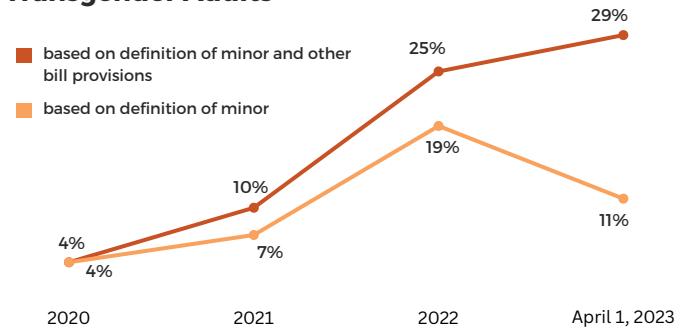
have been victories for transgender youth and their families. However, these court cases may take months or years to play out, leaving families of transgender youth in fear and uncertainty about their long-term access to care.

TACTIC #2: BANNING OR SEVERELY RESTRICTING HEALTH CARE FOR TRANSGENDER ADULTS

While most anti-transgender healthcare bills in recent years focus on minors, anti-LGBTQ forces ultimately seek to ban all forms of transition-related care, regardless of age. They are pursuing this goal in a variety of ways, including: defining "minor" to include at least some adults; by banning state funds from covering this medical care (e.g., in Medicaid, state employee health plans, and for those in incarceration); explicitly allowing private insurers to refuse to cover this care; and more.

As previously shown in *Figure 2*, the number of bills attacking transgender health care has exploded in recent years, and most of these bills primarily target health care for minors. However, MAP analysis shows that over time, more and more of these primarily youth-focused bills would also apply to at least some transgender adults, as shown in *Figure 4* below.

Figure 4. A Growing Share of Medical Care Ban Bills Would Also Ban or Restrict Health Care for Transgender Adults



Note: "Other provisions" primarily refers to bans on state funding for medical care, regardless of the person's age. Source: MAP original analysis. Data as of April 1, 2023.

1. These states were Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, North Dakota, Ohio, Oklahoma, Oregon, and Utah. All of these states except Michigan, Ohio, and Oregon now also ban best-practice medical care for transgender youth—though Ohio is still actively considering such a bill as of this report's writing.

LGBTQ POLICY SPOTLIGHT: BANS ON MEDICAL CARE FOR TRANSGENDER PEOPLE

For more detailed information on bills and laws targeting best-practice medical care by state, read MAP's April 2023 report:

LGBTQ Policy Spotlight: Bans on Medical Care for Transgender People

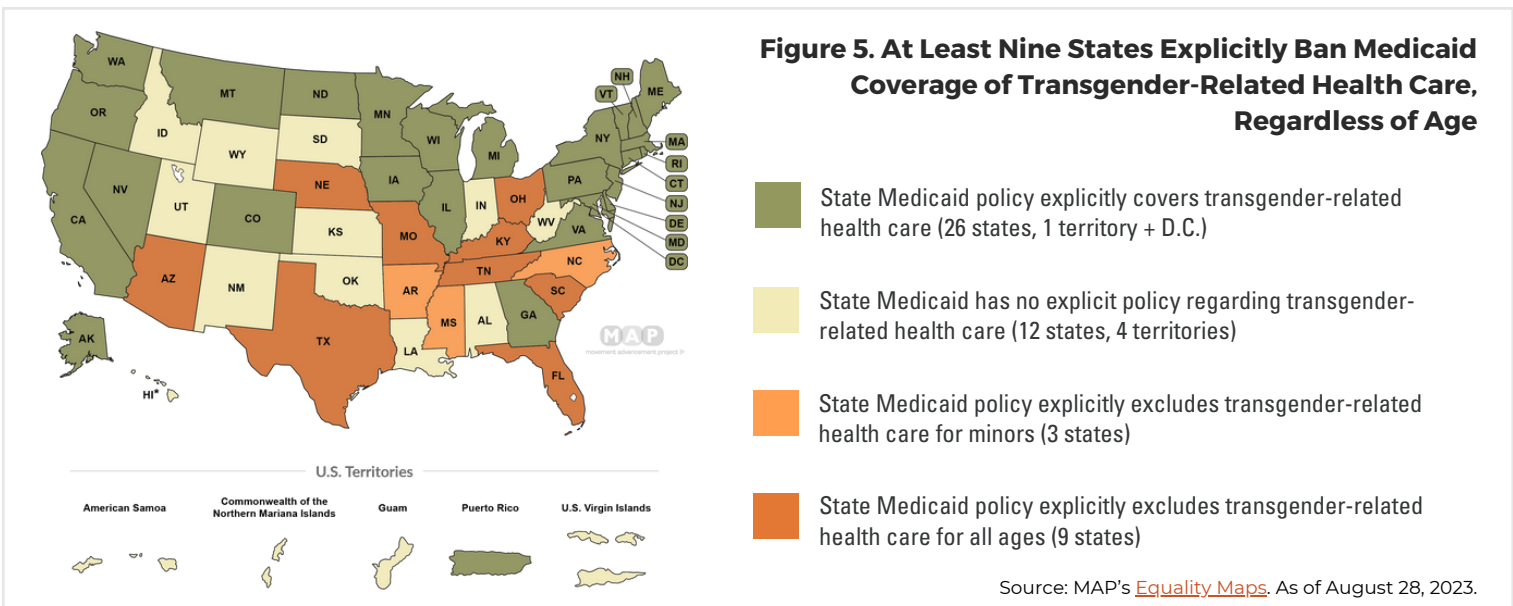
As of early April 2023, nearly three in 10 (29%) bills introduced in 2023 would ban or restrict medical care for both transgender children and at least some transgender adults. This includes bills that define “minor” to include adults up to ages 19, 21, or 26—more such bills than any year before²—as well as bills that include provisions banning state-funded health care (e.g., for state employees or those on Medicaid) from covering transition-related care.³



In late April 2023, this trend toward banning care for adults became a visceral reality, with Missouri’s unelected attorney general issuing “emergency” regulations that would have effectively banned medically necessary care for all transgender people throughout the state, regardless of

age. A lawsuit prompted the attorney general to later terminate these regulations, but the state legislature nonetheless enacted a [legislative ban](#) on youth’s medical care that also included provisions banning state funds from covering transition-related care for all transgender people, regardless of age. Within a few weeks, Florida similarly enacted a [legislative ban](#) on transgender youth’s medical care that also included provisions severely restricting transgender adults’ access to care.

Beyond the vehicle of bills primarily targeting transgender youth’s medical care, multiple states have targeted transgender adults’ access to care in other ways. One such way is through **banning coverage of necessary medical care for transgender people in state health insurance plans**, including Medicaid. This is in direct conflict with healthcare nondiscrimination protections in the federal Affordable Care Act, but currently, Medicaid policies in at least nine states explicitly exclude transgender-related health care for all ages. Additionally, as shown in *Figure 5*, at least three states’ Medicaid policies exclude health care for transgender minors. Another 12 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.




2. While the percentage of bills that would apply to adults via the definition of minor declined in 2023 (to 11%, as of April 1, 2023), the actual raw number of such bills more than doubled. The percentage declined amid the exponential growth in the number of all medical care ban bills in 2023, though as discussed here, states are also pursuing bans on adult care through other means.

3. For more detail on state funding restrictions, see MAP’s April 2023 report, [Bans on Medical Care for Transgender People](#), including Figure 8 and related discussion.

In a further effort to limit access to care, even beyond state funding, some attacks focus on **private insurance coverage**, including for transgender adults. These attacks are found in both the bills primarily targeting transgender youth's access to health care and in separate standalone bills and will likely soon come in the form of non-legislative attacks as well, such as through regulatory or executive action. These attacks take a variety of forms, including banning private insurers from covering or reimbursing the costs of transition-related medical care, explicitly allowing private insurers to refuse to cover this care, and more.

MAP's [April 2023 report](#) found that, across all bills from 2020 to April 2023 attacking transgender health care, roughly one out of seven (14%) bills contained at least one of these provisions regarding private insurance coverage of transgender health care.

No matter the form they take, however, these provisions knowingly and intentionally seek to cut off access to this medically necessary care. Without insurance coverage, most forms of health care, including transgender-related health care, are unaffordable to the average person. This is especially true for transgender people, who experience far [higher rates of poverty](#) and employment insecurity due to discrimination. And, in combination with states' efforts to ban coverage in Medicaid—a state health insurance program for low-income individuals, among others—this effectively blocks any path to insurance coverage of medically necessary health care for transgender people.



TACTIC #3: BANNING OR RESTRICTING TRANSGENDER PEOPLE'S ABILITY TO LIVE OPENLY AND PARTICIPATE IN DAILY LIFE

Attacks on transgender people extend far beyond attacks on best-practice medical care. Opponents of transgender equality are also targeting transgender people's ability to live openly and to safely participate in daily life, including:

- **Banning or making it more difficult to obtain accurate identity documents (IDs).** Accurate and consistent gender markers on IDs help transgender people gain safe access to public spaces and resources, as well as dramatically reducing the [risk they will face violence, discrimination, or harassment](#). Yet, as shown in *Figure 6*, [four states now ban people from updating the gender marker on their birth certificates](#), and another 12 states impose invasive and burdensome medical requirements. In 2021, Oklahoma became the first state in the nation to explicitly ban the use of a gender-neutral "X" marker on birth certificates, and this year North Dakota followed suit. Importantly, birth certificates are often necessary documentation to obtain other ID documents, such as driver's licenses, meaning that obstacles to updating a birth certificate can have a domino effect on other important, and more commonly used, IDs—further escalating the risk of harm to transgender people.
- **Banning bathroom and facilities use according to one's gender identity—regardless of age.** As shown in *Figure 6*, nine states have enacted laws banning transgender people from using bathrooms and facilities—such as locker rooms, shower rooms, changing rooms, and other sex-segregated spaces—according to their gender identity. In seven states, these policies explicitly apply to K-12 school settings, while in others, such as North Dakota and Florida, bathroom bans apply more broadly to government-owned buildings and spaces. Florida's ban is especially egregious and far-reaching, applying not only to schools and government buildings, but also to public parks, major airports, sports arenas and convention centers, and much more—also carrying potential criminal penalties, including potential jail time for violating the law.
- **Explicitly restricting social transition and respecting pronouns in state settings, including schools.** For transgender people, the ability to socially transition can be an incredibly important step towards living authentically and safely in day-to-day life. Social transition, which is distinct from physical or medical transition, can include using a new name or pronouns,

dressing or styling hair differently, moving through daily life (including in bathrooms and social activities) as the gender they know themselves to be, and more. Montana’s [recently enacted ban](#) on best practice medical care for transgender youth was also the first such ban to explicitly refer to social transition, stating that “state property, facilities, or buildings”—which would include schools and public health or social service providers—“may not be knowingly used to promote or advocate the use of social transitioning or the medical treatments prohibited” by that law.

Additionally, [at least 10 states](#) have enacted new bans or restrictions on teachers’ abilities to use a transgender student’s name or pronouns, effectively making it illegal for a transgender youth’s social transition to be respected or supported at school. What’s more, these attacks often also impact transgender school teachers or staff, such as a recent [Florida school district policy](#) prohibiting transgender adult employees from using their own pronouns, as a result of recent state legislation. Other new laws also protect the ability of teachers to misgender transgender youth. And in 2023, multiple bills, including one that became [law in North Dakota](#), proposed similarly restrictive pronoun policies for state employees, even beyond school settings.

- **Forcing the outing of transgender youth in schools.** Since 2020, new legislation has required school staff—and in some cases, any government or public employee—to out transgender youth to their families, often without regard for whether doing so might put the child at risk of harm. To date, [five states explicitly require such outing of transgender students in schools](#), and laws in six states at least promote, though may not explicitly require, outing. All these policies not only potentially endanger these youth, but also restrict the ability of schools to be a potentially safe environment or for youth to access needed information and support.
- **Enacting bans on sports participation for transgender students.** In 2023 alone, seven states enacted new bans on transgender students’ ability to play school

sports according to their gender identity, for a total of 22 states to date, as reflected in *Figure 6* on the next page. Two of these states (Alabama and Texas) expanded their existing K-12 bans to also apply to college, and the five other states (Wyoming, Kansas, North Carolina, North Dakota, and Missouri) enacted entirely new bans. As a result, 34% of transgender youth now live in states that ban them from playing school sports.

In many states, these various attacks on transgender people’s ability to live openly and participate in daily life, particularly in school settings,⁴ are occurring simultaneously. For example, Virginia’s recently released [revised policy for the treatment of transgender students](#) includes forced outing provisions, limitations on bathroom access for transgender youth, a ban on sports participation for transgender youth, restrictions on pronoun use, and more. In August 2023, Fairfax County Public Schools, one of the largest school districts in the state, was the latest to [reject](#) the new and discriminatory policy.

In a related effort, recent years have also brought a resurgence of bills censoring curricula about sexual orientation or gender identity, banning even basic discussions of LGBTQ people or issues in school settings.

Since 2022, seven states have enacted new [“Don’t Say LGBTQ” curriculum censorship laws](#), and five states also have [parental opt-out laws](#) allowing parents to remove their children from curricula that includes content about sexual orientation or gender identity. Such censorship harms all students by denying them access to an accurate and comprehensive education that reflects and prepares them for the diversity of the 21st century, and it can also further silence and isolate LGBTQ youth specifically, including transgender youth.

Given these ongoing attacks across so many settings, transgender people in many places across the country are increasingly unable to live openly or to participate safely in daily life.

4. For more on attacks in schools and curricula, see also [Under Fire #2: Erasing LGBTQ People from Schools and Public Life](#).

Figure 6. Equality Maps: Policies Banning or Restricting Transgender People’s Ability to Participate in Daily Life

Source: MAP’s [Equality Maps](#). As of August 28, 2023.

Figure 6a. Changing Gender Markers on Birth Certificates








-  State allows residents to mark M, F, or X on their birth certificates (16 states + D.C.)
-  State issues new birth certificate and does not require sex reassignment surgery nor court order in order to change gender marker (26 states, 1 territory + D.C.)
-  State is unclear regarding medical requirements and/or may require a court order to change gender marker (4 states, 1 territory)
-  State has unclear, unknown or unwritten policy regarding gender marker changes (3 states, 2 territories)
-  State requires proof of sex reassignment surgery in order to change gender marker (12 states, 1 territory)
-  State does not allow for amending the gender marker on the birth certificate (5 states)
-  State bans the use of an X option on birth certificates (2 states)

Figure 6b. Bans on Transgender Youth Participation in Sports



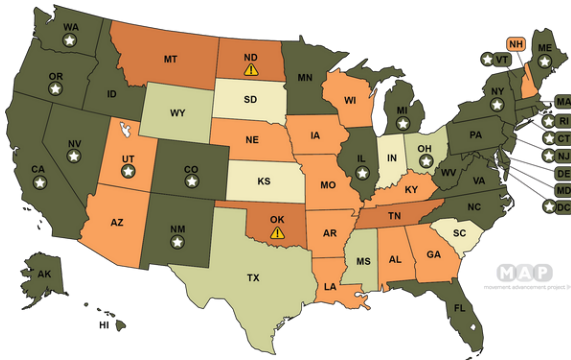
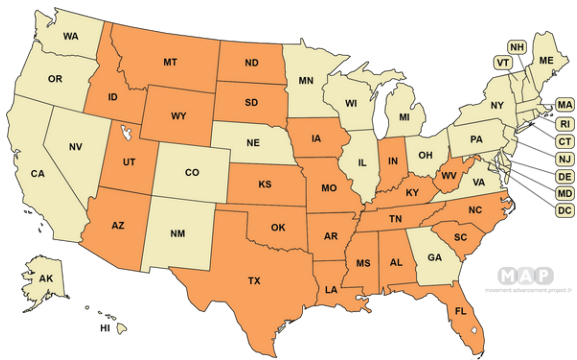
-  State law bans transgender students from participating in sports consistent with their gender identity (23 states)
-  State law does not ban transgender students from participating in sports consistent with their gender identity (27 states, 5 territories + D.C.)

Figure 6c. Bans on Transgender People Using Bathrooms and Facilities According to their Gender Identity

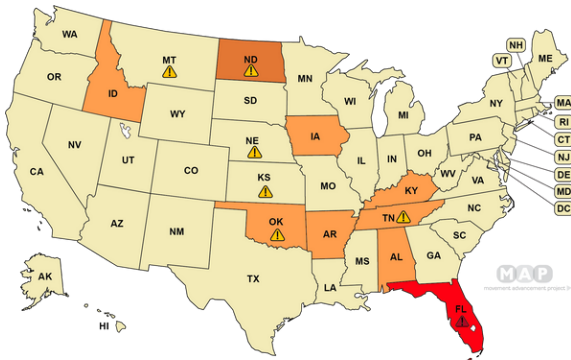
-  State bans transgender people from using bathrooms and facilities consistent with their gender identity in all schools, colleges, and government-owned buildings and spaces (1 state)
-  State bans transgender people from using bathrooms and facilities consistent with their gender identity in K-12 schools and at least some government-owned buildings (1 state)
-  State bans transgender people from using bathrooms and facilities consistent with their gender identity in K-12 schools (7 states)
-  No state ban on transgender people’s use of bathrooms or facilities (41 states, 5 territories + D.C.)
-  State law makes it a criminal offense for transgender people to use bathrooms or facilities consistent with their gender identity (1 state)
-  State has law defining “sex” in ways that may impact transgender people’s access to bathrooms or facilities according to their gender identity (6 states)



U.S. Territories



U.S. Territories



U.S. Territories



TACTIC #4: BANNING OR ROLLING BACK LEGAL RECOGNITION & PROTECTIONS

Opponents are also working to ban legal recognition or undermine what few existing protections for transgender and nonbinary adults currently exist, as further ways to remove transgender people from public life. These efforts include, but are not limited to:

- **Defining “sex” throughout state law to allow discrimination against transgender and nonbinary people.** As part of this [broader, coordinated attack](#) on transgender people across the country, these newly emerging laws—enacted for the first time this year—explicitly define “sex” throughout all state law as only male or female, typically based on a person’s presumed reproductive anatomy, chromosomes, hormones, or other physical characteristics at birth. These laws also define sex as a permanent category, implying that transgender and nonbinary people’s gender identity will never be legally recognized under state law. These laws will likely have dangerous implications for transgender people when it comes to bathrooms, identity documents, and other areas of law or policy—as is already becoming clear in Kansas, where the state’s attorney general is attempting to use the state’s newly enacted law to not only ban all future gender marker changes on identity documents, but also to rescind any previous gender marker changes, even if they were made before the law’s passage. To date in 2023, [four states have enacted these laws](#), and two state governors issued [an executive order](#) to similar effect.
- **Repealing or rolling back existing nondiscrimination protections for transgender people, including through new or expanded religious exemptions.** Alongside ongoing attacks seeking to create new discriminatory laws, there are also concerted efforts to repeal or significantly weaken the relatively few existing legal protections for transgender people. Currently, fewer than half of states have explicit nondiscrimination protections for transgender people in [employment](#), [housing](#), and [public accommodations](#)—laws that seek

to ensure that transgender people are treated fairly and with dignity at work, when seeking housing or shelter, and when out in public places. But opponents in those states are introducing bills to [repeal those protections wholesale](#), to [eliminate the human rights agencies that enforce these protections](#), or to create new or expanded “[religious exemptions](#)” allowing individuals, private businesses, and more, to simply disregard existing nondiscrimination laws if they claim that treating transgender people equally would violate their religious beliefs.

TACTIC #5: CRIMINALIZING AND HARASSING THOSE WHO SUPPORT TRANSGENDER PEOPLE

Those seeking to erase transgender people from public life are also attacking those who support transgender people in order to make it even more difficult, if not impossible, to continue to do so—and to further isolate transgender people, strip them of any support or safety, and push them out of public life. These attacks on supporters include, but are not limited to:

- **Criminalizing and threatening healthcare providers with loss of licensure.** As shown above in *Figure 1*, medical care bans in five states currently make it a felony crime to provide best practice medical care to transgender youth. Additionally, MAP’s [April 2023 report](#) shows that nearly one in five bills seeking to ban medical care for transgender youth in 2023 included some kind of criminal penalties.
- **Harassing and threatening violence against healthcare providers.** In addition to political and legislative attacks on medical care for transgender people, there are escalating harassment and threats of violence against medical providers. [A recent study](#) found that 70% of surveyed providers of transgender-related medical care reported they had received threats of harassment and violence. Bomb threats and other forms of targeted harassment have been [reported by dozens of hospitals and other medical institutions](#), disrupting care and safety not only for transgender patients but for anyone seeking any type of health care.

NEWS ►

Children's Hospital Target Of 3rd Bomb Threat Over Trans Care

- Investigating and criminalizing supportive parents and others.** Some legislative efforts to ban best-practice medical care—which display a fundamental lack of understanding of transgender children—contain provisions that criminalize the parents of transgender youth seeking to provide best-practice medicine for their children. While most anti-transgender legislative efforts have targeted medical providers, more than a third of all bills from 2020 through 2023 targeted someone other than or in addition to medical providers—such as parents of transgender children, teachers, or even friends or neighbors. Attempts have been made to prevent parents from supporting transgender youth; for example, in 2022, the attorney general of Texas initiated child abuse investigations of families of transgender youth that supported their child's social transition, treating social transition itself as child abuse. This investigation was halted in September 2022 via an injunction, which [the attorney general appealed in March 2023](#). In an even more extreme example in Florida, legislation was introduced in March 2023 that would have allowed the state to [seize custody of children deemed “at risk” of “being subjected” to prescribed medical care](#) related to transition.
- Firing, disciplining, or threatening teachers who are supportive of transgender students.** Teachers and employees at educational institutions have also been faced with threats to their livelihoods for supporting transgender students or even mentioning the existence of transgender people in their classrooms. Across the U.S., [school board meetings have erupted over books with LGBTQ themes](#)—with debates that criticize and target librarians—and [some districts have introduced policies that ban or restrict the discussion of gender identity](#) by school employees altogether. As detailed in a [previous Under Fire report](#), many states have recently passed curriculum censorship laws limiting the ability of educators to address sexual orientation and gender identity in age-appropriate ways.

WHAT'S NEXT?

These bills and their accompanying rhetoric reveal that the ultimate goals of these efforts—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.

Despite wide public support for nondiscrimination for transgender people, legislators across the country have advanced laws designed to erase transgender people from public life and to make transitioning nearly impossible. In states with medical care bans in place (or bans that will soon be enacted), transgender and nonbinary adults are navigating confusing and fearful avenues to secure health care, ID documents, resources in school, and more. Individuals seeking medical care in states with bans are forced to consider relocation to the [states where “shield” laws protect best-practice care and provide a refuge for accessing such care](#). Advocates and providers have expressed concern about the extent to which these [states can maintain the infrastructure for supporting transgender youth and adults](#).

Bans on best practice medical care are also sending ripples of fear throughout LGBTQ community. In a recent survey conducted by the Human Rights Campaign, findings indicate that the majority of LGBTQ+ adults feel threatened by medical care bans, and [one in three LGBTQ adults in a recent survey said they would—or have already—moved from a state with a medical care ban in place](#).

This swift and coordinated attack on transgender people in the U.S. is part of a larger war on LGBTQ people. At this moment, it is critical that we see beyond individual bills or even categories of bills and understand the broader scope of what is occurring; there is a coordinated, organized effort to erase LGBTQ people from public life and to make it impossible for LGBTQ people to live their lives. These bills, and the rhetoric fueling them, are incredibly harmful to LGBTQ people and their families.

We at MAP will continue to track these efforts on our LGBTQ Equality Maps and through the ongoing *Under Fire* series, all of which will be available [here](#).