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RESEARCH THAT MATTERS

THE IMPACT OF 2024 ANTI-TRANSGENDER LEGISLATION ON YOUTH

April 2024

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EXECUTIVE SUMMARY

Many states have enacted laws or have legislation pending that would restrict the rights of transgender youth. In 2023, over 500 pieces of legislation restricting the rights of LGBTQ people were introduced in state legislatures.¹ Nearly as many bills have been introduced or remain under consideration thus far in 2024.² A substantial percentage of these bills specifically target transgender youth, such as by limiting access to gender-affirming care, participation in sports and school programs, access to bathrooms and other facilities, or by discouraging the use of gender-affirming pronouns for transgender youth.³

At the same time, many states have banned practices intended to change a young person's sexual orientation or gender identity, known as conversion therapy, or have laws pending to do so. Several states have also enacted or introduced "shield" laws to protect families and health practitioners who facilitate access to gender-affirming care from prosecution beyond state borders where such care has been restricted.⁴

This report estimates the number of transgender youth ages 13-17⁵ who are impacted by six types of laws and policies that have gained traction in the 2023-2024 legislative sessions. For this report, we focus on laws that have been enacted or new legislation that was either introduced in 2024 or "carried over" from 2023.⁶ These laws and policies include four common types of legislation that restrict the rights of transgender youth—gender-affirming care bans, bans on sports participation, bathroom and other facilities bans, and restrictions on the use of gender-affirming pronouns—and two that confer protections via gender-affirming care "shield" laws and conversion therapy bans.⁷

¹ *Mapping Attacks on LGBTQ Rights in State Legislatures*, ACLU, <https://www.aclu.org/legislative-attacks-on-lgbtq-rights> (last visited Aug. 25, 2023).

² *Mapping Attacks on LGBTQ Rights in State Legislatures in 2024*, ACLU, <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024?impact=&state=> (last visited March 7, 2024).

³ *Id.*

⁴ See e.g., MOVEMENT ADVANCEMENT PROJECT, TRANSGENER HEALTHCARE "SHIELD" LAWS 3 (2023), https://www.lgbtmap.org/equality-maps/healthcare/trans_shield_laws; MOVEMENT ADVANCEMENT PROJECT, CONVERSION "THERAPY" LAWS 2 (2023), https://www.lgbtmap.org/equality-maps/conversion_therapy.

⁵ To estimate the number of youth impacted, we rely on state level estimates of the number of transgender youth ages 13-17 published in the Williams Institute report, *How Many Adults and Youth Identify as Transgender in the United States?* We are unable to estimate the impact of these laws on youth younger than age 13 because the data sources used to create these estimates do not survey children below age 13. JODY L. HERMAN, ANDREW R. FLORES, & KATHRYN K. O'NEILL, WILLIAMS INST., *HOW MANY ADULTS AND YOUTH IDENTIFY AS TRANSGENDER IN THE UNITED STATES?* (2022).

⁶ While this brief focuses primarily on laws introduced and active in the 2024 legislative session, many states "carry over" laws from previous years. Therefore, some 2023 legislation is discussed where appropriate. This brief also considers laws that were introduced in New Jersey and Virginia, which both use a 2024-2025 legislative cycle. See e.g. 2024 Legislative Session Dates, multistate.us (March 11, 2024), <https://www.multistate.us/resources/2024-legislative-session-dates>.

⁷ Many states considered or passed other types of laws and policies that impact transgender and LGBTQ youth more broadly in 2023 and 2024 legislative sessions. This brief estimates only the impact of the six types of laws and policies listed here; it is not intended to provide a comprehensive look at all forms of legislation and policymaking that has impacted transgender youth over the past year.

KEY FINDINGS

Ninety-three percent of transgender youth ages 13-17 in the U.S., an estimated 280,300 transgender youth, live in states that have passed or proposed one or more laws banning access to gender-affirming care, participation in sports, use of bathrooms and other sex-separated facilities, or affirmation of gender through pronoun use.

- 120,200 transgender youth live in states where one or more of these types of laws have been enacted.
 - 160,100 transgender youth live in states where one or more of these laws was pending in the 2024 legislative session but has not yet been enacted.
- Only 19,500 transgender youth live in states and the District of Columbia (D.C.) where none of these types of laws have been enacted or where none of these laws were introduced or pending in the 2024 legislative session.
- Transgender youth in specific regions of the country are more likely to live in a state with at least one of the four types of anti-transgender law.
 - Approximately 85% of transgender youth ages 13-17 in the South and 40% of transgender youth ages 13-17 in the Midwest live in states with at least one anti-transgender law.
 - Transgender youth in the Northeast are least likely to live in a state where an anti-transgender law has been enacted.

Bans on Gender-Affirming Care

- 237,500 transgender youth ages 13-17 live in states that have passed laws banning access to gender-affirming care or where such a law was introduced or pending in the 2024 legislative session. This is slightly more than three-quarters of all transgender youth in the country, although several of the bans were introduced in states that are unlikely to enact them.
 - 113,900 transgender youth—more than a third of transgender youth in the U.S.—live in states that have enacted bans on access to gender-affirming care.
 - Of these, 18,500 transgender youth live in states with gender-affirming care bans that cannot currently be enforced due to court orders.
 - 123,600 additional transgender youth live in states where a gender-affirming care ban was pending in the 2024 legislative session but has not yet been enacted.

Bans on Transgender Participation in Sports

- 222,500 transgender youth ages 13-17 live in states that have enacted laws restricting access to school sports for transgender students or where such a law has been introduced or pending in the 2024 legislative session. This is nearly three-quarters of all transgender youth in the country.
 - 120,200 transgender youth—forty percent of transgender youth in the U.S.—live in states that restrict access to school sports for transgender students.

- Of these, 11,100 transgender youth live in states with sports participation bans that cannot currently be enforced due to court orders.
- 102,300 additional transgender youth live in states where a sports ban was pending in the 2024 legislative session but has not yet been enacted.

Bans on Access to Bathrooms and Other Facilities

- 117,000 transgender youth ages 13-17 live in states that have passed laws directly or indirectly banning transgender students from using school bathrooms and other facilities that align with their gender identity or where such a law was introduced or pending in the 2024 legislative session.
 - 38,600 transgender youth live in states that ban transgender students from using school bathrooms and other facilities that align with their gender identity or indirectly block their access through laws defining “sex” to exclude transgender people.
 - Of these, 1,000 transgender youth live in Idaho, where the state’s bathroom ban has been blocked by a court.
 - 78,400 additional transgender youth live in states where a bathroom or facilities ban or similar law was pending in the 2024 legislative session but has not yet been enacted.

Bans on Gender-Affirming Pronouns

- 121,100 transgender youth ages 13-17 live in states that have passed laws restricting or prohibiting the use of gender-affirming pronouns or where such a law has been introduced in the 2023-2024 legislative sessions. This is forty percent of transgender youth in the country.
 - 49,100 transgender youth live in states that restrict or prohibit the use of gender-affirming pronouns, particularly in schools and other state-run facilities
 - 72,000 additional transgender youth live in states where a similar restriction or prohibition of gender-affirming pronouns was pending in the 2024 legislative sessions but has not yet been enacted.

At the same time, many transgender youth live in states that offer one of two kinds of laws that aim to protect transgender youth. Nearly half of transgender youth live in states that protect their access to gender-affirming care (“shield” laws), and two-thirds of states have enacted laws or policies prohibiting conversion therapy intended to change the sexual orientation, gender identity, or transgender expression of youth.

- An estimated 198,000 transgender youth ages 13-17 live in 27 states and D.C. that have either a “shield” law or a conversion therapy ban, and 146,700 transgender youth—half of all transgender youth in the U.S.—live in 14 states and D.C. that have both “shield” laws and conversion therapy bans.
- All transgender youth in the Northeast live in a state that has banned conversion therapy, and several—five of nine states—also have a “shield” law. Nearly all transgender youth in the West (97%) live in a state with one or both protective laws.

Gender-Affirming Care “Shield” Laws

- 163,800 transgender youth ages 13-17—over half of all transgender youth in the U.S.—live in eighteen states and D.C. that have enacted “shield” laws, protecting access to gender-affirming care, or where a “shield” law was introduced or pending in the 2024 legislative session.
 - 146,700 transgender youth—nearly half of transgender youth ages 13-17—live in fourteen states and D.C. that have already enacted gender-affirming care “shield” laws.
 - 17,100 transgender youth ages 13-17 live in an additional four states where a “shield” law was pending in the 2024 legislative session but has not yet been enacted.

Bans on Conversion Therapy

- 204,800 transgender youth ages 13-17 live in states that have banned the practice of conversion therapy or where a ban on conversion therapy was introduced in the 2023-2024 legislative sessions but has not yet been enacted. This is more than two-thirds of all transgender youth.
 - 198,000 transgender youth—two-thirds of transgender youth in the U.S.—live in all states with conversion therapy bans.
 - 6,800 transgender youth ages 13-17 live in an additional four states where a ban on conversion therapy was pending in the 2024 legislative session but has not yet been enacted.

LAWS THAT RESTRICT THE RIGHTS OF TRANSGENDER YOUTH

BANS ON GENDER-AFFIRMING CARE

What is Gender-Affirming Care?

Gender-affirming care commonly refers to health services that support a person in living in alignment with their gender identity when their gender identity differs from their sex assigned at birth.⁸ For transgender youth who need it, this care may include the use of hormones to delay puberty and to promote the development of secondary sex characteristics that are consistent with their gender identity.⁹ Access to gender-affirming health care for transgender youth is supported by the American Academy of Pediatricians and is viewed by the American Academy of Child and Adolescent Psychiatry (AACAP), the American Psychiatric Association (APA), and the American Medical Association (AMA) as evidence-based patient care.¹⁰ In February 2024, the American Psychological Association issued a statement reiterating its support for “unobstructed” access to evidence-based health care, explicitly including gender-affirming care for transgender youth who need it and emphasizing the evidence supporting access to care.¹¹

⁸ See generally, E. Coleman, et al., Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, 23 INT. J. TRANSGEND. HEALTH S1 (2022) (also known as the “World Professional Association for Transgender Health Standards of Care”).

⁹ The Endocrine Society recommends hormone use for youth with a diagnosis of gender dysphoria – defined by the American Psychiatric Association in the Diagnostic Statistical Manual DSM-5-TR as “a marked incongruence between one’s experienced/expressed gender and assigned gender, of at least 6 months duration” who have entered puberty. Wylie C. Hembree, Peggy T. Cohen-Kettenis, Louis Gooren, Sabine Hannema, Walter J. Meyer, M. Hassan Murad, Stephen M. Rosenthal, Joshua D. Safer, Vin Tangpricha & Guy G. T’Sjoen, *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline*, 102 J. OF CLINICAL ENDOCRINOLOGY & METABOLISM 3869-903 (2017); *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)*. American Psychiatric Association. 2022.

¹⁰ AM. ACAD. OF CHILD & ADOLESCENT PSYCHIATRY, *AACAP Statement Responding to Efforts to Ban Evidence-Based Care for Transgender and Gender Diverse Youth*. (Nov. 8, 2019) https://www.aacap.org/AACAP/Latest_News/AACAP_Statement_Responding_to_Efforts-to_ban_Evidence-Based_Care_for_Transgender_and_Gender_Diverse.aspx; AM. PSYCHIATRIC ASSOC., *Frontline Physicians Oppose Legislation That Interferes in or Criminalizes Patient Care*. (Apr. 2, 2021) <https://www.psychiatry.org/newsroom/news-releases/frontline-physicians-oppose-legislation-that-interferes-in-or-criminalizes-patient-care>; Wylie C. Hembree, et. al., *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline*. 102 J. OF CLINICAL ENDOCRINOLOGY & METABOLISM 3869-903 (2017); Jason Rafferty, et. al., AM. ACAD. OF PEDIATRICS COMM. ON PSYCHOSOCIAL ASPECTS OF CHILD & FAM. HEALTH, AAP COMM. ON ADOLESCENCE, AAP SECTION ON LESBIAN, GAY, BISEXUAL, AND TRANSGENDER HEALTH AND WELLNESS, *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142 PEDIATRICS 1-14 (2018); Press Release, Am. Med. Assoc., *AMA Reinforces Opposition to Restrictions on Transgender Medical Care*, (June 15, 2021), <https://www.ama-assn.org/press-center/press-releases/ama-reinforces-opposition-restrictions-transgender-medical-care>.

¹¹ APA POLICY STATEMENT ON AFFIRMING EVIDENCE-BASED INCLUSIVE CARE FOR TRANSGENDER, GENDER-DIVERSE, AND NONBINARY INDIVIDUALS, ADDRESSING MISINFORMATION, AND THE ROLE OF PSYCHOLOGICAL PRACTICE AND SCIENCE, AM. PSYCH. ASS’N., (Feb. 2024), <https://www.apa.org/about/policy/transgender-nonbinary-inclusive-care.pdf>.

State Bans on Gender-Affirming Care

Gender-affirming care bans generally restrict access to care by imposing penalties on physicians who prescribe or administer gender-affirming medical treatment to youth. The penalties range from disciplinary action by a state licensing board, including revocation of a medical license, to felony charges, which can carry a prison sentence.¹² Bans may also increase liability for medical practitioners by increasing the time limits and grounds under which lawsuits may be brought against them for providing gender-affirming care.¹³ Most of these bans prohibit access to a range of treatments, including puberty blockers and hormone therapy.¹⁴

Twenty-four states have enacted laws that ban access to gender-affirming care for transgender youth.¹⁵ Nineteen of these bans—the vast majority—were enacted in 2023;¹⁶ both Ohio and Wyoming's bans were enacted in 2024.¹⁷ Idaho enacted an additional law in 2024 that builds on its existing ban by prohibiting the use of state funds and Medicaid for gender-affirming care.¹⁸ Prior to the 2023 legislative session, only three states had bans on youth access to gender-affirming care.¹⁹ An estimated 113,900 transgender youth ages 13-17 now live in a state that has enacted a ban on gender-affirming care for transgender youth.²⁰ This is more than a third of transgender youth in the U.S.²¹

¹² For a more detailed description of the penalties imposed by these laws, see Christy Mallory, Madeline G. Chin & Justine C. Lee, *Legal Penalties for Physicians Providing Gender-Affirming Care*, 329 JAMA 1921 (2023); ELANA REDFIELD ET AL., WILLIAMS INST., PROHIBITING GENDER-AFFIRMING MEDICAL CARE FOR YOUTH (2023), <https://williamsinstitute.law.ucla.edu/publications/bans-trans-youth-health-care/>.

¹³ See e.g. Ark. S.B. 199, 94th Leg. Sess. (Ark. 2023) (enacted), S.B. 304, 2024 Gen. Ct., Reg. Sess. (N.H. 2024), H.B. 4922, 86th Leg., 2d Reg. Sess. (W. Va. 2024).

¹⁴ Mallory et al, *supra* note 8.

¹⁵ See MOVEMENT ADVANCEMENT PROJECT, HEALTHCARE LAWS AND POLICIES: BANS ON BEST PRACTICE MEDICAL CARE FOR TRANSGENDER YOUTH 3, (2023), <https://www.lgbtmap.org/img/maps/citations-youth-medical-care-bans.pdf>.

¹⁶ See CHRISTY MALLORY AND ELANA REDFIELD, WILLIAMS INST., THE IMPACT OF 2023 LEGISLATION ON TRANSGENDER YOUTH (Oct. 2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Legislation-Summary-Oct-2023.pdf>.

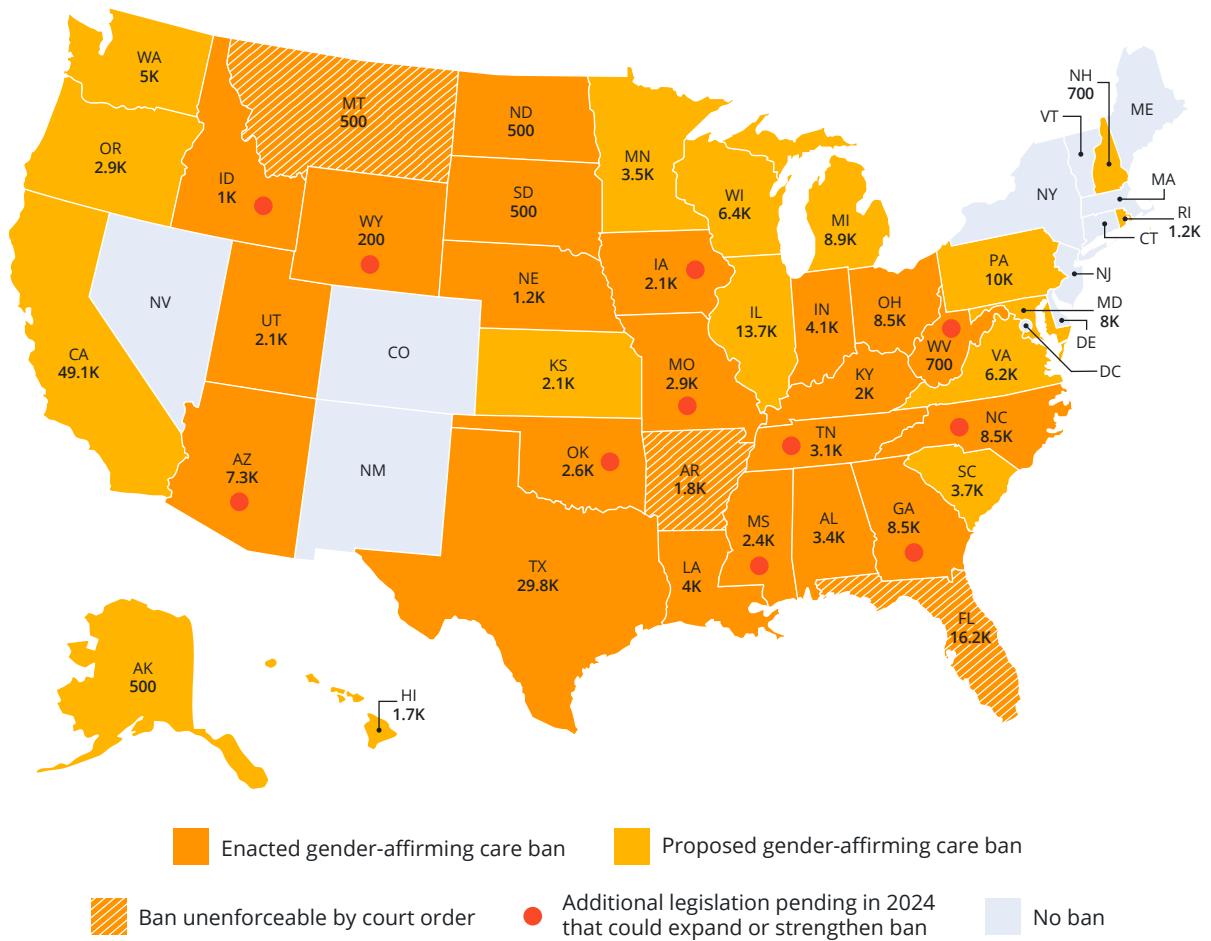
¹⁷ H.B. 68, 135th Gen. Assemb., Reg. Sess. (Ohio 2023) (enacted), Wyoming S.F. 99, 67th Leg., 2d Reg. Sess. (Wyo. 2024) was passed by both chambers of the state legislature and not acted upon by the governor. As a result, the law was enacted. See. Cy Neff, *Wyoming legislature approves ban on gender-affirming care for transgender youth*, USA Today, March 7, 2024, <https://www.usatoday.com/story/news/politics/2024/03/07/wyoming-legislature-ban-trans-youth-healthcare-ban/72869514007/>.

¹⁸ H.B. 668, 67th Leg., 2d Reg. Sess. (Idaho 2024) (enacted).

¹⁹ These states were Alabama, Arizona, and Arkansas. See ELANA REDFIELD ET AL., PROHIBITING GENDER-AFFIRMING MEDICAL CARE FOR YOUTH, *supra* note 17.

²⁰ Two states, Alabama and Nebraska, prohibit access to gender-affirming care for young people up to and including age 18. While this report is focused on the impact of recent legislation on transgender youth ages 13-17, a prior Williams Institute report estimated that 700 transgender eighteen-year-olds live in Alabama (4,100 transgender young people between ages 13-18 live in the state) and 300 transgender eighteen-year-olds live in Nebraska (1,500 transgender young people between ages 13-18 live in the state). *Id.* at 4-5; REDFIELD ET AL. *supra* note 7.

²¹ HERMAN ET AL., *supra* note 5.



Many of these laws are being challenged through litigation. As of April 2024, bans in three states are unenforceable by court order. These states are Arkansas,²² Florida,²³ and Montana.²⁴ Courts in these states have held that the bans likely violate federal or state constitutions.²⁵ An estimated 18,500 transgender youth ages 13-17 live in these four states. A temporary block of Idaho’s ban by a federal court was reversed by the Supreme Court in April 2024, allowing the ban to go back into effect except as to the plaintiffs in the case.²⁶ Additionally, an Ohio state judge issued a temporary restraining order in April, blocking legislation that was set to go into effect. However, the state has enacted regulatory

²² Brandt v. Rutledge, No. 4:21CV00450 JM, 2023 U.S. Dist. LEXIS 106517 (E.D. Ark. June 20, 2023).

²³ Doe v. Ladapo, No. 4:23cv114-RH-MAF, 2023 U.S. Dist. LEXIS 99603 (N.D. Fla. June 6, 2023).

²⁴ Van Garderen v. State of Montana, Cause No. DV-23-541 (Mont. Fourth Jud. Dist. Ct. 2023).

²⁵ See e.g. Brandt, *supra* note 24 (federal constitution); Van Garderen, *supra* note 27 (state constitution).

²⁶ See Raul Labrador, Attorney General of Idaho, v. Pam Poe, By and Through Her Parents and Next Friends, Penny and Peter Poe, 601 U.S. (2024); Abbie VanSickle, *Supreme Court Clears Way, For Now, For Idaho To Ban Transgender Treatment for Minors*, N.Y. TIMES, April 15, 2024, <https://www.nytimes.com/2024/04/15/us/politics/supreme-court-idaho-transgender.html?smid=nytcore-ios-share&referringSource=articleShare&sgpr=c-cb>; See also Poe v. Labrador, 1:23-cv-00269-BLW (D. Idaho Dec. 26, 2023).

bans in addition to the statute, which are set to go into effect in May.²⁷ In Idaho, Ohio, and an additional twelve states, litigation challenging the bans on access to gender-affirming care is ongoing. These states are Alabama,²⁸ Georgia,²⁹ Indiana,³⁰ Kentucky,³¹ Louisiana,³² Missouri,³³ Nebraska,³⁴ North Carolina,³⁵ North Dakota,³⁶ Oklahoma,³⁷ Tennessee,³⁸ and Texas.³⁹ The Supreme Court is currently deciding whether to accept an appeal of the Kentucky and Tennessee cases.⁴⁰

²⁷ *Moe v. Yost*, No. 24CVH03-2481 (Ohio Frank. Cty. Ct. 2024); See also Haley BeMiller, *Ohio Judge Temporarily Blocks Ban on Gender-Affirming Care for Transgender Minors*, THE COLUMBUS DISPATCH, April 16, 2024, <https://www.dispatch.com/story/news/politics/2024/04/16/ohio-judge-blocks-ban-on-gender-affirming-care-for-transgender-minors/73119276007/>.

²⁸ *Eknes-Tucker v. Ivey, A.K.A. Boe v. Marshall*, No. 22-11707 (Eleventh Cir. Aug. 21, 2023).

²⁹ *Koe v. Noggle*, No. 1:23-CV-2904-SEG, 2023 U.S. Dist. LEXIS 147770 (N.D. Ga. Aug. 20, 2023) (does not apply to ban on surgical care).

³⁰ *K.C. v. Individual Members of the Medical Licensing Bd. of Ind.*, No. 1:2023cv00595 (S.D. Ind. June 16, 2023) (does not apply to surgical care).

³¹ *Doe v. Thornbury*, No. 3:23-cv-00230 (Sixth Cir. Sept. 8, 2023).

³² *Soe v. Louisiana State Board of Medical Examiners*, filed Jan. 8, 2024. See <https://lambdalegal.org/case/soe-v-louisiana-state-board-of-medical-examiners/>.

³³ *Noe v. Parson*, filed July 25, 2024. See <https://lambdalegal.org/case/noe-v-parson/>.

³⁴ *Planned Parenthood of the Heartland v. Hilgers et al.*, filed May 30, 2023. See Press Release, AM. CIV. LIBERTIES UNION, *New Lawsuit Argues Combined Restrictions on Health Care for Trans Youth and Abortion Violated State Constitution*, May 30, 2023, <https://www.aclu.org/press-releases/new-lawsuit-argues-combined-restrictions-on-health-care-for-trans-youth-and-abortion-violated-state-constitution>.

³⁵ *Voe v. Mansfield*, filed Oct. 11, 2023. See <https://lambdalegal.org/case/voe-v-mansfield/>.

³⁶ *T.D. v. Wrigley*, filed on Sept. 14, 2023. See *T.D. Wrigley Info Sheet*, GENDER JUSTICE, <https://www.genderjustice.us/wp-content/uploads/2023/09/gender-justice-td-v-wrigley.pdf> (last visited March 11, 2024).

³⁷ *Poe et al. v. Drummond*, No. 23-cv-177-JFH-SH (N.D. Okla. Oct. 5, 2024).

³⁸ *L.W. v. Skrmetti*, No. 3:23-cv-00376 (Sixth Cir. Sept. 8, 2023).

³⁹ A state district court in Texas also issued a preliminary injunction against the state's ban, holding that it likely violated the Texas constitution. However, the decision has been appealed, and under Texas law, the injunction is stayed during the appellate process, allowing the ban to go back into effect. *Loe v. Texas*, No. D-1-GN-23-003616 (Judicial Dist. Aug. 25, 2023); Press Release, Ken Paxton, Tex. Atty. Gen., *Office of the Attorney General Files Appeal to Texas Supreme Court, Blocking District Judge's Ruling and Upholding Protections for Children from "Gender Transition" Procedures* (Aug. 25, 2023), <https://www.texasattorneygeneral.gov/news/releases/office-attorney-general-files-appeal-texas-supreme-court-blocking-district-judges-ruling-and>.

⁴⁰ See Press Release, AM. CIV. LIBERTIES UNION, *Tennessee Families and Doctors Urge Supreme Court to Block Ban on Essential Health Care for Transgender Youth*, <https://www.aclu.org/press-releases/tennessee-families-and-doctors-urge-supreme-court-to-block-ban-on-essential-health-care-for-transgender-youth>

An additional sixteen states had bills pending in the 2024 legislative session that would ban or restrict access to gender-affirming care. These states are Alaska,⁴¹ California,⁴² Hawaii,⁴³ Illinois,⁴⁴ Kansas,⁴⁵ Maryland,⁴⁶ Michigan,⁴⁷ Minnesota,⁴⁸ New Hampshire,⁴⁹ Oregon,⁵⁰ Pennsylvania,⁵¹ Rhode Island,⁵²

⁴¹ H.B. 338, 33rd Leg., 2d Reg. Sess. (Alaska 2024).

⁴² A.B. 3146, 2023-2024 Reg. Sess. (Cal. 2024). California's bill expresses an intention to enter further legislation restricting or banning access to gender-affirming care for youth. California currently protects access to gender-affirming care for minors. S.B. 107, 2021-2022 Reg. Sess. (Cal. 2022) (enacted), *to be codified as* Ch. 810, Statutes of 2022.

⁴³ Hawaii's bill was introduced in 2023 and has not advanced during this legislative session. H.B. 891, 31st Leg., Reg. Sess. (Haw. 2023).

⁴⁴ Illinois currently ensures access to gender-affirming care for minors. See H.B. 4664, 103rd Gen. Assemb., Reg. Sess. (Ill. 2023). H.B. 4302, 103rd Gen. Assemb., 2d Reg. Sess. (Ill. 2024) would repeal that protection. Additionally, H.B. 4355, 103rd Gen. Assemb., 2d Reg. Sess. (Ill. 2024) would put a ban in place. See also H.B. 4096, 103rd Gen. Assemb., Reg. Sess. (Ill. 2023).

⁴⁵ Kansas nearly enacted a gender-affirming care ban in 2023. See S.B. 26, 2023-2024 Leg. Sess. (Kan. 2023); See also Kansas News Service Staff, *Kansas Governor's Vetoes of Flat Tax and Transgender Care Ban Stand, But Not On Abortion*, NPR, April 26, 2023, <https://www.kcur.org/news/2023-04-26/kansas-governors-vetoes-stand-killing-a-flat-tax-and-squashing-a-ban-on-transgender-care-for-kids>. Three bills have been introduced in 2024: S.B. 353, 2023-2024 Leg., Reg. Sess. (Kan. 2024), H.B. 2791, 2023-2024 Leg., Reg. Sess. (Kan. 2024), and H.B. 2792, 2023-2024 Leg., Reg. Sess. (Kan. 2024). Additionally, three bills remain from the 2023 session: S.B. 233, 2023-2024 Leg., Reg. Sess. (Kan. 2023), S.B. 12, 2023-2024 Leg., Reg. Sess. (Kan. 2023), and H.B. 2263, 2023-2024 Leg., Reg. Sess. (Kan. 2023). S.B. 233 advanced in the 2024 legislative session passed both chambers of the legislature. See Tim Carpenter, *KANSAS LEGISLATURE SENDS DEMOCRATIC GOVERNOR BILL BANNING UNDER-18 TRANSGENDER HEALTH CARE*, KANSAS REFLECTOR, March 27, 2024, <https://kansasreflector.com/2024/03/27/kansas-legislature-sends-democratic-governor-bill-banning-under-18-transgender-health-care/>.

⁴⁶ H.B. 722, 2024 Gen. Assemb., Reg. Sess. (Md. 2024). This bill failed at the close of the legislative session on April 8, 2024.

⁴⁷ Michigan introduced three bills in 2023 that remain but have not advanced in 2024: H.B. 4540, 102nd Leg., Reg. Sess. (Mich. 2023), H.B. 4257, 102nd Leg., Reg. Sess. (Mich. 2023), and H.B. 4539, 102nd Leg., Reg. Sess. (Mich. 2023).

⁴⁸ Minnesota introduced one gender-affirming care ban for minors in 2024. S.B. 4017, 93rd Leg., 2d Reg. Sess. (Minn. 2024). The state also has three bills introduced in 2023 that have not advanced: S.F. 3280/H.F. 3264, 93rd Leg., Reg. Sess. (Minn. 2023), and S.F. 3272, 93rd Leg., Reg. Sess. (Minn. 2023).

⁴⁹ The New Hampshire House passed a 2023 gender-affirming care ban on January 4, 2024. H.B. 619, 2023 Gen. Ct., Reg Sess. (N.H. 2023). See Brooke Migdon, *New Hampshire House Passes Ban on Gender-Affirming Surgery For Minors*, THE HILL, Jan. 4, 2024, <https://thehill.com/homenews/lgbtq/4389664-new-hampshire-house-ban-gender-affirming-surgery/>. Four additional bills were introduced in anticipation of the 2024 session and remain active: H.B. 1441, 2024 Gen. Ct., Reg. Sess. (N.H. 2024), H.B. 1660, 2024 Gen. Ct., Reg. Sess. (N.H. 2024), H.B. 1664, 2024 Gen. Ct., Reg. Sess. (N.H. 2024) and S.B. 304, 2024 Gen. Ct., Reg. Sess. (N.H. 2024). H.B. 1011, 2024 Gen. Ct., Reg. Sess. (N.H. 2024) also introduced for this year's session, failed on January 18, 2024.

⁵⁰ H.B. 4037, 82nd Leg. Assemb., 2024 Reg. Sess. (Or. 2024). This bill failed at the close of the legislative session on March 7, 2024.

⁵¹ Pennsylvania's bill, H.B. 138, 2023 Assemb., Reg. Sess. (Penn. 2023), was carried over from 2023 and has not advanced this session.

⁵² H. 7884, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024), S. 2703, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024).

South Carolina,⁵³ Virginia,⁵⁴ Washington,⁵⁵ and Wisconsin.⁵⁶ A total of 123,600 transgender youth ages 13-17 live in these states. A proposed ban in Kansas passed both chambers of the legislature and was vetoed by the governor on April 12, 2024.⁵⁷ Bills in Maryland, Oregon, Virginia, Washington, and Wisconsin failed to pass in the 2024 legislative session.

Some of these states, such as California and Illinois, currently protect access to gender-affirming care. Should these laws pass, they could reverse explicit protections that tens of thousands of transgender youth have come to rely upon in those states.

⁵³ South Carolina has introduced two bills in 2024: H.B. 4619, 125th Gen. Assemb., 2d Reg. Sess. (S.C. 2024) and H.B. 4624, 125th Gen. Assemb., 2d Reg. Sess. (S.C. 2024). Four bills remain from the 2023 legislative session but have not advanced in 2024: S.B. 627, 125th Gen. Assemb., Reg. Sess. (S.C. 2023), S.B. 243, 125th Gen. Assemb., Reg. Sess. (S.C. 2023), S.B. 274, 125th Gen. Assemb., Reg. Sess. (S.C. 2023), and H.B. 3551, 125th Gen. Assemb., Reg. Sess. (S.C. 2023).

⁵⁴ Virginia legislators proposed two bans or restrictions on gender-affirming care in 2024: HB. 8, 163rd Gen. Assemb., Reg. Sess. (Va. 2024) and S.B. 671, 163rd Gen. Assemb., Reg. Sess. (Va. 2024). Both bills failed to advance in the 2024 legislative session.

⁵⁵ Washington legislators introduced one bill in 2024: H.B. 2241, 68th Leg., 2024 Reg. Sess. (Wash. 2024). The state also had a ban introduced in 2023, which was reintroduced in 2024: H.B. 1214, 68th Leg., 2023 Reg. Sess. (Wash. 2023). Both bills failed at the close of the legislative session on March 7, 2024.

⁵⁶ The Wisconsin Legislature passed a ban on gender-affirming care for minors in 2023, which was successfully vetoed by the governor. A.B. 465, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023). See also Harm Vanhuizen, *Democratic Wisconsin Governor Vetoes Bill to Ban Gender-affirming Care for Kids*, AP NEWS, <https://apnews.com/article/wisconsin-governor-veto-transgender-care-ban-68b0968cd63e20f5ce727b0c932ba4dd>. Several other 2023 bills remained active in the 2024 legislative session: A.B. 502, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023), A.B. 609, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023), and S.B. 479, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023), S.B. 922, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023). Three additional bills from 2023 remain but were not active in the 2024 legislative session: S.B. 480, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023), H.B. 729, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023), and S.B. 794, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023). However, all bills failed at the close the legislative session on March 12, 2024.

⁵⁷ *Sub Bill for SB233*, KS Legislature.org, https://www.kslegislature.org/li/b2023_24/measures/sb233/ (last visited April 10, 2024). Legislators are expected to attempt to override the veto. See Drew Gill, *Lawmakers to Decide Fate of Gender-Affirming care Ban in Kansas*, KSNT.COM, April 22, 2024, <https://www.ksnt.com/capitol-bureau/lawmakers-to-decide-fate-of-gender-affirming-care-ban-for-minors-in-kansas/>.

Additionally, eleven states that have already enacted a ban on gender-affirming care had new or carried-over bills pending in the 2024 legislative session that would expand or strengthen bans on gender-affirming care for youth. Such proposed changes include expanding partial bans in Georgia and Arizona to block all forms of gender-affirming care,⁵⁸ limiting gender affirmation, including to some extent mental health treatment, in state-run inpatient facilities,⁵⁹ banning the use of state funds and Medicaid reimbursement for gender-affirming care,⁶⁰ limiting the ability of minors to travel interstate to obtain treatments,⁶¹ removing sunset provisions,⁶² and ending exceptions that had allowed youth who had already started gender-affirming care to continue with their course of treatment.⁶³ These states are Arizona,⁶⁴ Georgia,⁶⁵ Idaho,⁶⁶ Iowa,⁶⁷ Mississippi,⁶⁸ Missouri,⁶⁹

⁵⁸ See e.g. Georgia H.B. 1170, 157th Gen. Assemb., 2d Reg. Sess. (Ga. 2024); Arizona S.B. 1451, 56th Leg., 2d Reg. Sess. (Ariz. 2024).

⁵⁹ See e.g. Oklahoma S.B. 1730, 59th Leg., 2d Reg. Sess. (Okla. 2024).

⁶⁰ See e.g. Idaho H.B. 668, 67th Leg., 2d Reg. Sess. (Idaho 2024) (enacted); West Virginia H.B. 4857, 86th Leg., 2d Reg. Sess. (W. Va. 2024); See also Oklahoma S.B. 1777, 59th Leg., 2d Reg. Sess. (Okla. 2024) (disqualifying providers from state reimbursement altogether if they provide gender-affirming care).

⁶¹ See e.g. S.B. 2782/H.B. 2310, 113th Gen. Assemb., 2d Reg. Sess. (Tenn. 2024).

⁶² See e.g. S.B. 1185, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (Mo. 2024).

⁶³ See e.g. West Virginia H.B. 5297, 86th Leg., 2d Reg. Sess. (W. Va. 2024).

⁶⁴ Existing ban only applies to surgical treatments. Proposed legislation would expand to medications, among other changes. S.B. 1451, 56th Leg., 2d Reg. Sess. (Ariz. 2024).

⁶⁵ Existing ban does not apply to hormone blockers. Proposed legislation would expand to these medications. See H.B. 1170, 157th Gen. Assemb., 2d Reg. Sess. (Ga. 2024) (Passed the House as a bill addressing opioid overdose, amended by Senate to include gender-affirming care provisions), S.B. 519, 157th Gen. Assemb., 2d Reg. Sess. (Ga. 2024), H.B. 653, 157th Gen. Assemb., Reg. Sess. (Ga. 2023), S.B. 141, 157th Gen. Assemb., Reg. Sess. (Ga. 2023). All bills failed at the close of the legislative session on March 28, 2024. See Ross Williams, 'Anti-LGBTQ' bills stalled in the Georgia Legislature this time despite election year politics, GA. RECORDER, March 30, 2024, <https://georgiarecorder.com/2024/03/30/anti-lgbtq-bills-stalled-in-the-georgia-legislature-this-time-despite-election-year-politics/>.

⁶⁶ In addition to the bill that passed (H.B. 668), Idaho legislators introduced additional bills that addressed various funding considerations for gender-affirming care. H.B. 520, 67th Leg., 2d Reg. Sess (Idaho 2024), H.B. 419, 67th Leg., 2d Reg. Sess (Idaho 2024). The remaining bills failed at the close of the legislative session on April 10, 2024.

⁶⁷ Two Iowa bills remain from 2023 which did not advance in 2024. S.F. 110, 90th Gen. Assemb., Reg. Sess. (Iowa 2023) and S.F. 129, 90th Gen. Assemb., Reg. Sess. (Iowa 2023). Both bills failed at the close of the legislature on April 20, 2024.

⁶⁸ Mississippi bills would have extended bans on the provision of gender-affirming care for minors (S.B. 2080, 2024 Leg., Reg. Sess. (Miss. 2024)) and expanded the denial of insurance coverage for gender-affirming care for those over 18 (S.B. 2029, 2024 Leg., Reg. Sess. (Miss. 2024)). Both bills failed as of March 5, 2024.

⁶⁹ Missouri introduced numerous bills in 2024 that would expand the state's existing ban on gender-affirming care. This includes bills to remove the expiration date of the existing law, and to permit medical providers to opt out of such care. H.B. 2830, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (Mo. 2024), H.B. 1520, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (Mo. 2024), H.B. 1519, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (2024), S.B. 726, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (Mo. 2024), S.B. 776, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (2024), S.B. 1185, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (Mo. 2024), H.B. 2175, 102nd Leg., Gen. Assemb., 2d Reg. Sess. (Mo. 2024).

North Carolina,⁷⁰ Oklahoma,⁷¹ Tennessee,⁷² West Virginia,⁷³ and Wyoming.⁷⁴ Additional bans on gender-affirming care for youth failed to pass during the 2024 legislative session in Georgia, Idaho, Iowa, Mississippi, West Virginia, and Wyoming.

⁷⁰ Three North Carolina bills remain from 2023 which have not advanced. H.B. 43, 2023 Assemb., Reg. Sess. (N.C. 2023), H.B. 786, 2023 Gen. Assemb., Reg. Sess. (N.C. 2023), S.B. 560, 2023 Gen. Assemb., Reg. Sess. (N.C. 2023).

⁷¹ Oklahoma laws would expand the reach of the existing gender-affirming care ban to include mental health treatments and further prohibit use of state funds, such as Medicaid reimbursement. S.B. 1730, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1777, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1730, 59th Leg., 2d Reg. Sess. (Okla. 2024). An additional fourteen laws remain that were proposed in 2023. S.B. 129, 59th Leg., Reg. Sess. (Okla. 2023), H.B. 2177, 59th Leg., Reg. Sess. (Okla. 2023) (which crossed over in 2023 but was not enacted), H.B. 1011, 59th Leg., Reg. Sess. (Okla. 2023), H.B. 1466, 59th Leg., Reg. Sess. (Okla. 2023), H.B. 1377, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 878, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 789, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 345, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 252, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 614, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 786, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 250, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 787, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 788, 59th Leg., Reg. Sess. (Okla. 2023).

⁷² Tennessee laws pending in 2024 would add interstate travel and child custody provisions (S.B. 2782/H.B. 2310, 113th Gen. Assemb., 2d Reg. Sess. (Tenn. 2024)) or force coverage for people who decide to discontinue living in their affirmed gender (H.B. 2816/S.B. 2396, 113th Gen. Assemb., 2d Reg. Sess. (Tenn. 2024)). S.B. 2782 was amended on April 11, 2024 to include criminal provisions for “recruiting,” “harboring,” or “transporting” unemancipated minors within the state for the purposes of obtaining gender-affirming care. See Erin Reed, *Tennessee Passes Bill Making ‘Recruiting’ For Trans Youth Care a Felony*, THE ADVOCATE, April 14, 2024, <https://www.advocate.com/politics/tennessee-senate-bill-trans-youth-felony>. Tennessee also had four bills remaining from 2023 that have not advanced. S.B. 1469/H.B. 1447, 113th Gen. Assemb., Reg. Sess. (Tenn. 2023) and S.B. 5/H.B. 1378, 113th Gen. Assemb., Reg. Sess. (Tenn. 2023).

⁷³ West Virginia introduced numerous bills in 2024 that would expand the current ban on gender-affirming care for minors. One bill would remove the exception in West Virginia’s law that allows some youth to continue receiving treatment (H.B. 5297, 86th Leg., 2d Reg. Sess. (W. Va. 2024)). Another would prohibit payments under Medicaid (H.B. 4857, 86th Leg., 2d Reg. Sess. (W. Va. 2024)). See also H.B. 4357, 86th Leg., 2d Reg. Sess. (W. Va. 2024), H.B. 4922, 86th Leg., 2d Reg. Sess. (W. Va. 2024), H.B. 4923, 86th Leg., 2d Reg. Sess. (W. Va. 2024), H.B. 5187, 86th Leg., 2d Reg. Sess. (W. Va. 2024), and H.B. 5316, 86th Leg., 2d Reg. Sess. (W. Va. 2024)). However, these bills all failed at the end of the legislative session on March 9, 2024.

⁷⁴ In addition to the bill that passed in 2024, Wyoming legislators introduced three additional bills regarding gender-affirming care: S.F. 98, 67th Leg., 2d Reg. Sess. (Wyo. 2024), HB 63, 67th Leg., 2d Reg. Sess. (Wyo. 2024) and HB 156 67th Leg., 2d Reg. Sess. (Wyo. 2024). H.B. 63 and H.B. 156 failed introduction. S.F. 98 failed at the close of the legislative session on March 8, 2024.

BANS ON SPORTS PARTICIPATION FOR TRANSGENDER YOUTH

What are Transgender Sports Bans?

Transgender sports bans prohibit transgender students from participating on school sports teams consistent with their gender identity, instead requiring them to participate, if at all, based on sex assigned at birth. While many of these laws apply at the collegiate level or in primary schools, all states considered here have bans that apply to youth ages 13-17.⁷⁵

All transgender sports bans prohibit transgender girls and women from participating on girls' and women's teams, and a few also prohibit transgender boys and men from participating on boys' and men's teams.⁷⁶ Most of these bans are broad, prohibiting participation in K-12 sports as well as collegiate sports.⁷⁷ Some states have enacted more limited bans, which do not restrict participation in lower grade levels.⁷⁸

State Bans on Transgender Sports Participation

Twenty-five states have laws that restrict access to sports for transgender students.⁷⁹ Two additional states, Georgia⁸⁰ and Nebraska,⁸¹ have policies in place that encourage but do not require schools to deny participation in sports to transgender students based on assigned sex at birth. An estimated 120,200 transgender youth ages 13-17 now live in one of twenty-seven states where access to sports participation is restricted or such restrictions are encouraged by the state.⁸²

⁷⁵ See CHRISTY MALLORY AND ELANA REDFIELD, THE IMPACT OF 2023 LEGISLATION ON TRANSGENDER YOUTH, *supra* note 21.

⁷⁶ For a more detailed overview of these bans, see Williams Institute Scholars, Comment Letter on Proposed Rule Re: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams, 88 Fed. Reg. 22,860 (April 13, 2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Comment-Title-IX-Sports-May-2023.pdf>.

⁷⁷ *Id.*

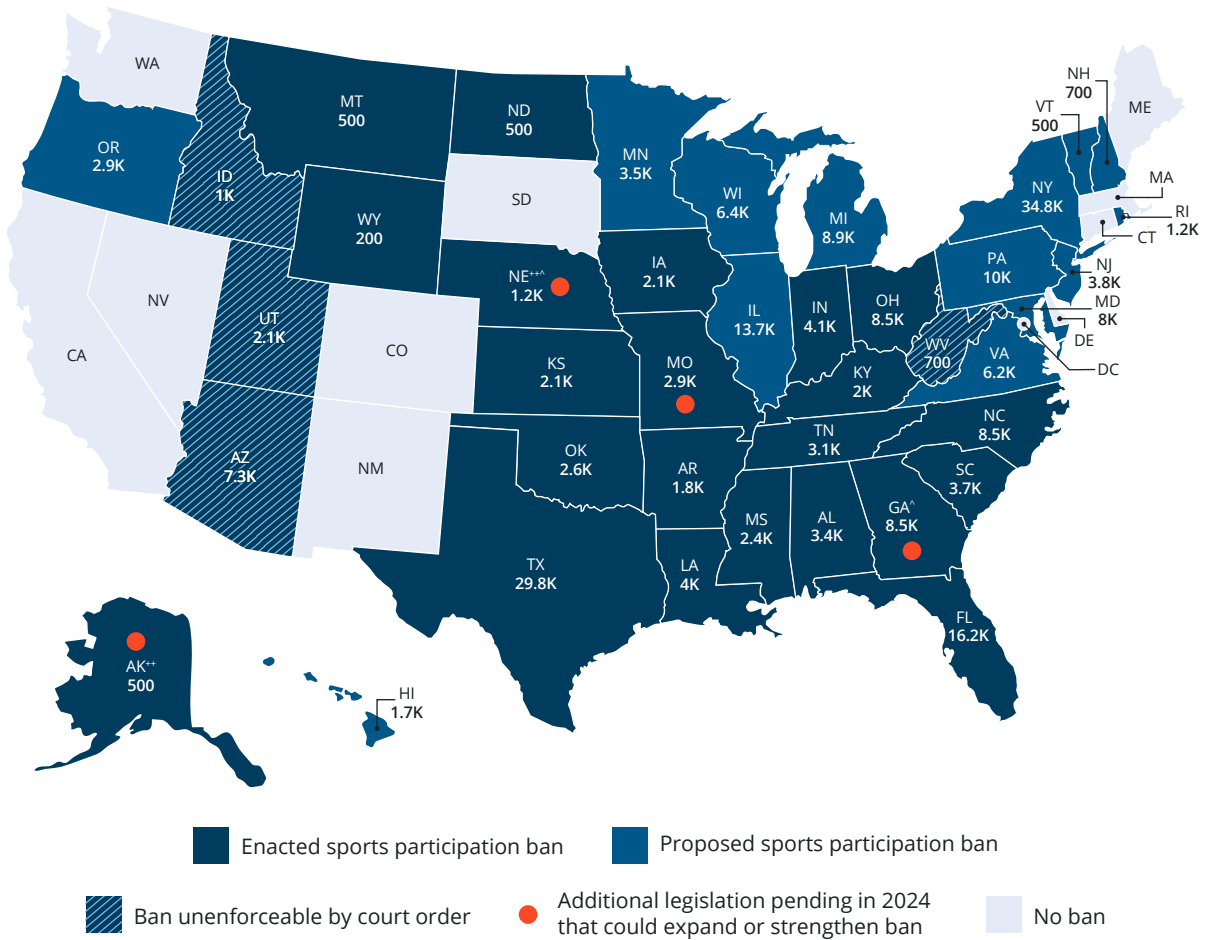
⁷⁸ *Id.*

⁷⁹ MOVEMENT ADVANCEMENT PROJECT, LGBTQ YOUTH: BANS ON TRANSGENDER YOUTH PARTICIPATION IN SPORTS 2 (2024), <https://www.lgbtmap.org/img/maps/citations-sports-participation-bans.pdf>.

⁸⁰ Georgia's law, which generally targets diversity, equity, and inclusion initiatives, also permits state athletic associations to enact transgender-exclusive policies. HB 1084, 156th Gen. Assemb., 2d Reg. Sess. (Ga. 2022) (codified at GA. CODE. ANN. § 20-2-316(c)(1)(E)(v)); See also Chuck Johnston and Devan Cole, *Georgia High School Association Uses New Law To Implement Anti-Trans Sports Ban*, CNN, May 4, 2022, <https://www.cnn.com/2022/05/04/politics/georgia-high-school-transgender-sports-ban/index.html>.

⁸¹ Nebraska's Executive Order requires that state agencies define sex using "biological sex at birth," and specifically addresses athletics, although it does not explicitly mandate that sports team eligibility must be based on assigned sex at birth. Neb. Exec. Order 23-16, Establishing a Women's Bill of Rights, Aug. 30, 2023, <https://governor.nebraska.gov/sites/default/files/doc/press/EO%20No.%2023-16%20%20Establishing%20a%20Women%27s%20Bill%20of%20Rights.pdf>. Some schools had already enacted exclusive policies when the E.O. was signed. See e.g. Mauricio Martinez Garcia, *Nebraska School Introduces Controversial Policy for Transgender Student-Athletes*, Nebraska.TV, Aug. 15, 2023, <https://nebraska.tv/news/local/norfolk-public-schools-introduces-controversial-policy-for-transgender-student-athletes>.

⁸² HERMAN ET AL., *supra* note 5.



Note: **state has a regulation instead of a law; ^state encourages but does not require a ban

As of March 2024, bans in four states cannot be enforced in high school sports under court orders. These states are Arizona,⁸³ Idaho,⁸⁴ Utah,⁸⁵ and West Virginia.⁸⁶ Courts in these states, where bans have been challenged through litigation, have held that the provisions are likely unconstitutional and violate Title IX of the Education Amendments of 1972.⁸⁷ As a result, these states are prohibited from

⁸³ Doe v. Horne, No. CV-23-00185-TUC-JGZ, 2023 U.S. Dist. LEXIS 125488 (July 20, 2023, D. Ariz.).

⁸⁴ Hecox v. Little, 479 F.Supp.3d 930 (D. Idaho 2020), *aff'd* Hecox v. Little, No. 20-35813, 2023 U.S. App. LEXIS 21541 (9th Cir. 2023).

⁸⁵ Roe v. Utah High School Activities Assoc., No. 220903262 (Judicial Dist. Aug. 19, 2022) (finding that the ban likely violates the state constitution).

⁸⁶ B.P.J. v. W. Va. State Bd. Of Educ., No. 23-1078, 2024 U.S. App. LEXIS 9153 (4th Cir. 2024); See Matt Laviertes, *Federal Appeals Court Overturns West Virginia’s Transgender Sports Ban*, NBC NEWS, April 16, 2024, <https://www.nbcnews.com/nbc-out/out-news/federal-appeals-court-overturns-west-virginias-transgender-sports-ban-rcna148032>; See also B.P.J. v. W. Va. State Bd. of Educ., No. 23-1078, 2023 U.S. App. LEXIS 8379 (4th Cir. 2023) (staying an order of the district court which dissolved its earlier injunction, effectively halting enforcement pending appeal); cert. denied, West Virginia v. B.P.J., 143 S. Ct. 889 (2023).

⁸⁷ See e.g. Hecox v. Little, *supra* note 87; B.P.J. v. W. Va State Board of Educ., *supra* note 89. See also Madeline Donley, CONG. RES. SVC, *Regulating Gender in School Sports: An Overview of Legal Challenges to State Laws*, <https://crsreports.congress.gov/product/pdf/LSB/LSB10993>.

taking action under the laws as the cases proceed through the judicial system. These court orders preserve access to school sports for 11,100 transgender youth ages 13-17 who live in these four states. Sports bans have been challenged in other states, with different results. For example, Florida's ban was upheld by a federal district court.⁸⁸ In Indiana, a challenge was filed but eventually withdrawn because the plaintiff relocated.⁸⁹

An additional fourteen states had bills pending in the 2024 legislative session that could restrict or prohibit participation in sports by transgender youth ages 13-17. These states are Hawaii,⁹⁰ Illinois,⁹¹ Maryland,⁹² Michigan,⁹³ Minnesota,⁹⁴ New Hampshire,⁹⁵ New Jersey,⁹⁶ New York,⁹⁷ Oregon,⁹⁸ Pennsylvania,⁹⁹ Rhode Island,¹⁰⁰ Vermont,¹⁰¹ Virginia¹⁰² and Wisconsin.¹⁰³ 102,300 transgender youth ages 13-17 live in these states. A proposed ban on transgender sports participation in Wisconsin was passed by both chambers on March 12, but the bill was vetoed by the governor.¹⁰⁴ Bills in Maryland, Oregon, and Virginia and additional bills in Wisconsin failed to pass during the 2024 legislative session.

⁸⁸ D.N. v. DeSantis, 2023 BL 399466, No. 21-cv-61344, (S.D. Fla. Nov. 6, 2023).

⁸⁹ A.M. v. Indianapolis Pub Schs., 1:22-cv-01075-JMS-DLP (S.D. Ind. July 26, 2022); See also Caroline Beck, *Lawsuit Over Indiana's Transgender Sports Ban In Schools Dismissed*, INDYSTAR (Jan. 20, 2023), <https://www.indystar.com/story/news/2023/01/20/lawsuit-over-indiana-transgender-sports-ban-law-dismissed/69822937007/>.

⁹⁰ H.B. 1740, 31st Leg., 2d Reg. Sess. (Haw. 2024), H.B. 2708, 31st Leg., 2d Reg. Sess. (Haw. 2024), H.B. 2731, 31st Leg., 2d Reg. Sess. (Haw. 2024).

⁹¹ H.B. 1562, 103rd Gen. Assemb., 2d Reg. Sess. (Ill. 2024).

⁹² S.B. 381, 2024 Gen. Assemb., Reg. Sess. (Md. 2024). This bill failed at the close of the legislative session on April 8, 2024.

⁹³ One bill remains from the 2023 legislative session but has not advanced. H.B. 4546, 102nd Leg., Reg. Sess. (Mich. 2023).

⁹⁴ S.F. 4017, 93rd Leg., 2d Reg. Sess. (Minn. 2024). Four bills remain from the 2023 legislative session but have not advanced. H.F. 1086, 93rd Leg., 2d Reg. Sess. (Minn. 2023), S.F. 724, 93rd Leg., 2d Reg. Sess. (Minn. 2023), H.F. 551, 93rd Leg., Reg. Sess. (Minn. 2023), S.F. 934, 93rd Leg., 2d Reg. Sess. (Minn. 2023).

⁹⁵ H.B. 1205, 2024 Gen. Ct., Reg. Sess. (N.H. 2024), S.B. 375, 2024 Gen. Ct., Reg. Sess. (N.H. 2024), S.B. 524, 2024 Gen. Ct., Reg. Sess. (N.H. 2024). H.B. 1205 was passed by the House on March 21, 2024. See Brooke Migdon, *New Hampshire House Votes to Ban Transgender Women and Girls from Female School Sports*, THE HILL, March 21, 2024, <https://thehill.com/homenews/lgbtq/4548127-new-hampshire-house-votes-to-ban-transgender-women-and-girls-from-school-sports/>.

⁹⁶ A.B. 775, 221st Leg., Reg. Sess. (N.J. 2024), S.B. 1331, 221st Leg., Reg. Sess. (N.J. 2024).

⁹⁷ Two bills were carried over from 2023. A. 6124, 2023-2024 Leg., Reg. Sess. (N.Y. 2023) and S. 6259, 2023-2024 Leg., Reg. Sess. (N.Y. 2023).

⁹⁸ H.B. 4054, 82nd Leg., 2024. Reg. Sess. (Or. 2024). This bill failed at the close of the legislative session on March 7, 2024.

⁹⁹ One bill remains from the 2023 legislative session but is not advancing. H.B. 216, 2023 Gen. Assemb., Reg. Sess. (Penn. 2023).

¹⁰⁰ H.B. 7727, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024).

¹⁰¹ One bill remains from the 2023 legislative session but is not advancing. H.B. 513, 2023-2024 Leg., Reg. Sess. (Vt. 2023).

¹⁰² S.B. 68, 163rd Gen. Assemb., Reg. Sess. (Va. 2024) and S.B. 723, 163rd Gen. Assemb., Reg. Sess. (Va. 2024). Both bills failed on February 8, 2024.

¹⁰³ A.B. 377, 2023-2024 Leg., Reg. Sess. (Wisc. 2023), A.B. 378, 2023-2024 Leg., Reg. Sess. (Wisc. 2023), S.B. 377, 2023-2024 Leg., 2d Reg. Sess. (Wisc. 2024), and S.B. 378, 2023-2024 Leg., 2d Reg. Sess. (Wisc. 2024). All bills other than A.B. 377 failed at the close of the legislative session on March 12, 2024.

¹⁰⁴ A.B. 377, 2023-2024 Legislature, Reg. Sess. (Wisc. 2023); See *Wisconsin Governor Vetoes Transgender High School Athletics Ban*, ASSOC. PRESS., April 2, 2024, <https://www.nbcnews.com/nbc-out/out-politics-and-policy/wisconsin-governor-vetoes-transgender-high-school-athletics-ban-rcna146060#>.

Four of the states with existing bans on transgender sports participation also had new or carried-over legislation pending in the 2024 legislative session, which could expand or strengthen bans for youth ages 13-17.¹⁰⁵ In Alaska,¹⁰⁶ Georgia,¹⁰⁷ and Nebraska,¹⁰⁸ proposed legislation would make statewide bans explicit under statute. Proposed laws in Missouri would expand and make the state's existing ban permanent.¹⁰⁹ Bills in Georgia and Nebraska failed to pass during the 2024 legislative session.

BANS ON SCHOOL BATHROOM AND FACILITY ACCESS

What are School Bathroom Bans?

Laws restricting access to bathrooms and other shared facilities prohibit transgender people from using public sex-segregated facilities that align with their gender identity.¹¹⁰ Most of these laws apply only to bathrooms and facilities in public K-12 schools, but some further restrict access in colleges and other government-owned buildings.¹¹¹

State School Bathroom Bans

Ten states have laws that restrict access to bathrooms and other facilities consistent with gender identity in K-12 schools.¹¹² An estimated 34,800 transgender youth ages 13-17 live in these states. Utah was the first state to enact a bathroom and facilities ban affecting transgender youth ages 13-17 in 2024, making its ban the most recent.¹¹³

¹⁰⁵ Three additional states with bans have proposed laws which may have carried over but are not advancing, and which are substantially similar to the laws the state has already enacted. See North Carolina S.B. 636, 2023 Gen. Assemb., Reg. Sess. (N.C. 2023), Ohio H.B. 6, 135th Gen. Assemb., Reg. Sess. (Ohio 2023), Oklahoma S.B. 1007, 59th Leg., Reg. Sess. (Okla. 2023), (and Oklahoma S.B. 937, 59th Leg., Reg. Sess. (Okla. 2023),

¹⁰⁶ Alaska's legislation is carried over from 2023 and not advancing. H.B. 27, 33d Leg., Reg. Sess. (Alaska 2023), H.B. 183, 33d Leg., Reg. Sess. (Alaska 2023).

¹⁰⁷ Georgia's bills, S.B. 438, 157th Gen. Assemb., Reg. Sess. (Ga. 2023) and H.B. 1104, 157th Gen. Assemb., 2d Reg. Sess. (Ga. 2024), would formalize a statewide ban. H.B. 1104 did not originate as a sports ban but was amended by the Senate to include language about sports participation after passing the House in a different form. See Patrick Saunders and Juma Sei, *Georgia Senate Passes Restrictions on Transgender Student-Athletes, Sex Education*, [WABE.org](https://www.wabe.org/georgia-senate-passes-transgender-bathroom-bill-ban-on-trans-athletes/#), March 26, 2024, <https://www.wabe.org/georgia-senate-passes-transgender-bathroom-bill-ban-on-trans-athletes/#>. Both bills failed at the close of the legislative session on March 28, 2024. See Ross Williams, *supra* note 63.

¹⁰⁸ Nebraska's proposed ban advanced significantly in 2023, but did not pass, and was carried over into this legislative session. L.B. 575, 108th Leg., Reg. Sess. (Neb. 2023). However, this bill failed a final vote before the close of the 2024 legislative session. See Zach Wendling, *Bathroom, Sports Team Restrictions Fall Short in Nebraska Legislature*, *NEB. EXAMINER*, April 5, 2024, <https://nebraskaexaminer.com/2024/04/05/bathroom-sports-team-restrictions-fall-short-in-nebraska-legislature/>.

¹⁰⁹ Missouri's laws would expand on the existing ban and remove expiration dates. H.B. 1981, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2145, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), S.B. 770, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), S.B. 1246, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024).

¹¹⁰ MOVEMENT ADVANCEMENT PROJECT, *NONDISCRIMINATION/LGBTQ YOUTH: BANS ON TRANSGENDER PEOPLE'S USE OF BATHROOMS AND FACILITIES 2* (2024), <https://www.lgbtmap.org/img/maps/citations-bathroom-facilities-bans.pdf>.

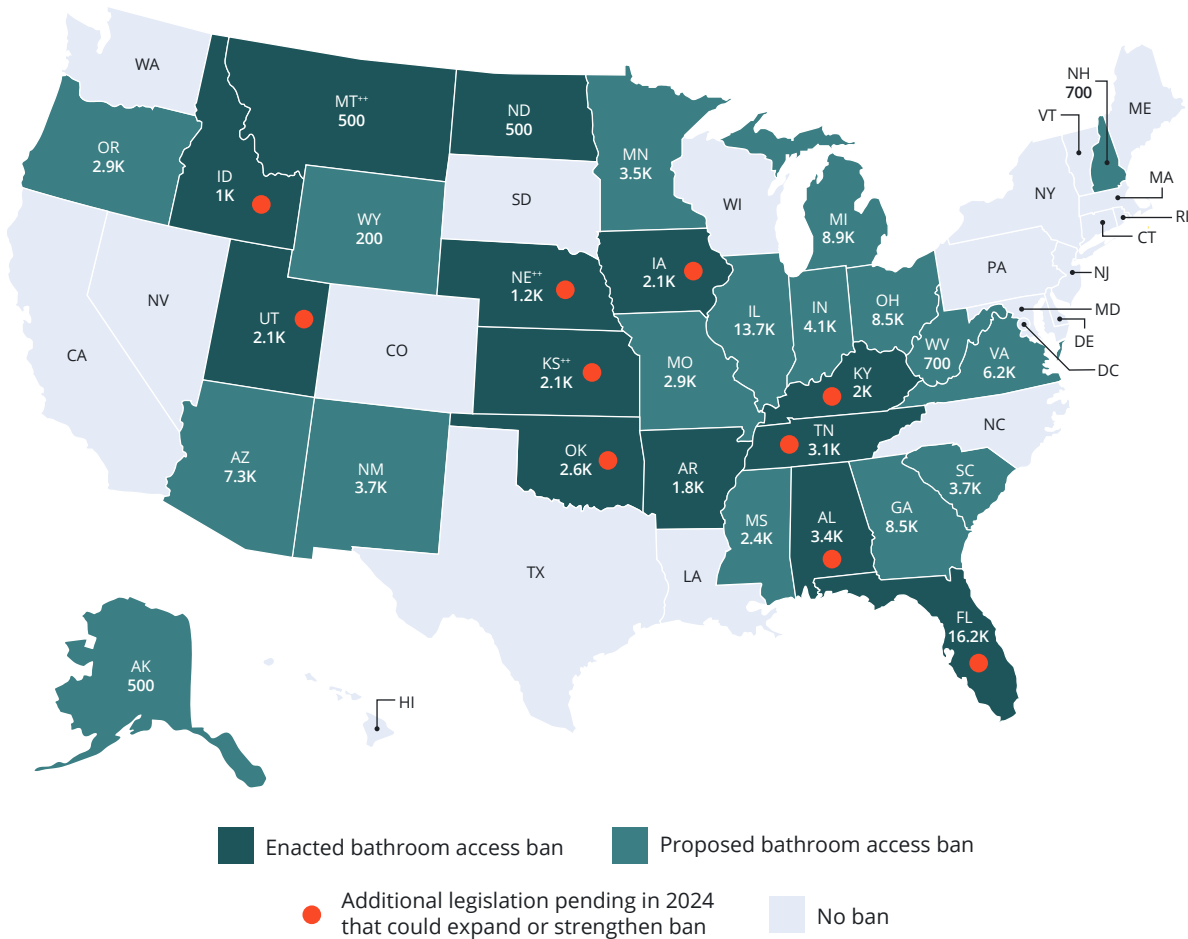
¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ Utah H.B. 257, 2024 Leg., Reg. Sess (Utah 2024) (enacted Jan. 30, 2024).

Three additional states have laws or policies that define “sex” for the purposes of public statutes based on assigned sex at birth. These states are Kansas,¹¹⁴ Nebraska,¹¹⁵ and Montana.¹¹⁶ Although these state policies do not explicitly force transgender youth to use bathrooms or other facilities based on their assigned sex, they could nonetheless be enforced in such a manner or otherwise result in transgender youth being denied access. Therefore, we consider them “implicit” bans. 3,800 transgender youth ages 13-17 live in these states.

A total of 38,600 transgender youth now live in states where a policy has been enacted that either explicitly or implicitly restricts their access to bathrooms and other facilities.



Note: ++state defines “sex” as sex assigned at birth for the purposes of public statutes

¹¹⁴ Kansas S.B. 180, 2023-2024 Leg., Reg. Sess. (Kan. 2023).

¹¹⁵ Neb. Exec. Order 23-16, Establishing a Women’s Bill of Rights, Aug. 30, 2023, <https://governor.nebraska.gov/sites/default/files/doc/press/EO%20No.%2023-16%20-%20Establishing%20a%20Women%27s%20Bill%20of%20Rights.pdf>.

¹¹⁶ Montana S.B. 458, 68th Leg., Reg. Sess. (Mont. 2023) (enacted).

Bathroom and facilities bans have been challenged in at least four states. These states are Florida,¹¹⁷ Idaho,¹¹⁸ Oklahoma,¹¹⁹ and Tennessee.¹²⁰ In one state, Idaho, the ban was temporarily blocked by the courts, which means that the law may not go into effect until the case is resolved.¹²¹ This preserves access to bathrooms in public schools for 1,000 transgender youth ages 13-17. However, in April 2024, Idaho enacted a new law defining “sex” based on assigned sex at birth, which could serve as an implicit ban on gender identity-based access to bathrooms for transgender youth, even though the state’s primary ban is currently enjoined.¹²²

An additional seventeen states had bills pending in the 2024 legislative session that could restrict access to bathrooms and other facilities for transgender youth ages 13-17. These states are Alaska,¹²³ Arizona,¹²⁴ Georgia,¹²⁵ Illinois,¹²⁶ Indiana,¹²⁷ Michigan,¹²⁸ Minnesota,¹²⁹ Mississippi,¹³⁰ Missouri,¹³¹

¹¹⁷ *Women in Struggle, et al., v. Bain, et al.*, No. 6:23-cv-1887-WWB-DCI (M.D. Florida Orla. Div. Oct. 18, 2023).

¹¹⁸ *Roe v. Critchfield*, No. 1:23-cv-00315-DCN (Idaho Dist. Ct.).

¹¹⁹ *Bridge v. Oklahoma State Dep’t. of Educ.*, 5:22-cv-00787-JD (W.D. Okla.).

¹²⁰ *D.H. v. Williamson Cnty. Bd. Of Educ.*, No. 3:22-cv-00570 (M.D. Tenn., Nashville Div.); *D.H. v. Williamson Cnty. Bd. Of Educ.*, 638 F. Supp. 3d 821 (M.D. Tenn. 2022).

¹²¹ *Roe v. Critchfield*, 1:23-cv-00315-DCN (D. Idaho Oct. 27, 2023).

¹²² H.B. 421, 67th Leg., 2nd Reg. Sess. (Idaho 2024) (enacted). See Brooke Migdon, *Idaho Governor Signs Bill Barring Required Use of Transgender Students’ Pronouns*, THE HILL, April 10, 2024, <https://thehill.com/homenews/state-watch/4585590-idaho-governor-signs-bill-barring-use-of-transgender-students-pronouns/>.

¹²³ H.B. 382, 33d Leg., 2d Reg. Sess. (Alaska 2024). Alaska also has two bills remaining from the 2023 legislative session that are not advancing. S.B. 96, 33d Leg., Reg. Sess. (Alaska 2023), and H.B. 105, 33d Leg., Reg. Sess. (Alaska 2023).

¹²⁴ H.B. 1628, 56th Leg., 2nd Reg. Sess. (Ariz. 2024), H.B. 2391, 56th Leg., 2nd Reg. Sess. (Ariz. 2024), and S.B. 1182, 56th Leg., 2nd Reg. Sess. (Ariz. 2024). Arizona also had a ballot initiative in 2024 which would have included bathroom restrictions; however, this was defeated in February 2024. S.C.R. 1013, 56th Leg., 2nd Reg. Sess. (Ariz. 2024); See also Erin Reed, *Anti-Transgender Arizona Ballot Measure Dies*, WASH. BLADE, Feb. 28, 2024, <https://www.washingtonblade.com/2024/02/28/anti-transgender-ariz-ballot-measure-dies/>.

¹²⁵ H.B. 936, 157th Gen. Assemb., 2nd Reg. Sess. (Ga. 2024), H.B. 1104, 157th Gen. Assemb., 2nd Reg. Sess. (Ga. 2024), H.B. 1128, 157th Gen. Assemb., 2nd Reg. Sess. (Ga. 2024), and S.B. 438, 157th Gen. Assemb., 2nd Reg. Sess. (Ga. 2024). Georgia also had one bill remaining from the 2023 legislative session, which is not advancing. H.B. 836, 157th Gen. Assemb., Reg. Sess. (Ga. 2023). These bills failed at the close of the legislative session on March 28, 2024. See also H.B. 1104, *supra* note 104.

¹²⁶ H.B. 4531, 103rd Gen. Assemb., 2d Reg. Sess. (Ill. 2024).

¹²⁷ H.B. 1291, 123rd Gen. Assemb., 2d Reg. Sess. (Ind. 2024). This bill failed at the close of the legislative session on March 8, 2024.

¹²⁸ Michigan has two bills carried over from the 2023 legislative session which are not advancing. H.B. 4195, 102nd Leg., Reg. Sess. (Mich. 2023), H.B. 4510, (102nd Leg., Reg. Sess. (Mich. 2023).

¹²⁹ Minnesota had one bill from the 2023 legislative session which is not advancing. S.F. 934, 93rd Leg., Reg. Sess. (Minn. 2023).

¹³⁰ H.B. 1607, 2024 Leg., Reg. Sess. (Miss. 2024), S.B. 2753, 2024 Leg., Reg. Sess. (Miss. 2024). Mississippi had several other bills which advanced in 2024, but which failed. See H.B. 1358, 2024 Leg., Reg. Sess. (Miss. 2024), H.B. 1428, 2024 Leg., Reg. Sess. (Miss. 2024), H.B. 1606, 2024 Leg., Reg. Sess. (Miss. 2024), H.B. 2812, 2024 Leg., Reg. Sess. (Miss. 2024), and H.B. 2814, 2024 Leg., Reg. Sess. (Miss. 2024).

¹³¹ H.B. 1274, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 1674, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2308, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2355, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2357, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024).

New Hampshire,¹³² New Mexico,¹³³ Ohio,¹³⁴ Oregon,¹³⁵ South Carolina,¹³⁶ Virginia,¹³⁷ West Virginia,¹³⁸ and Wyoming.¹³⁹ A proposed ban in Mississippi has passed both chambers of the legislature, with amendments to be reviewed once more by the Senate.¹⁴⁰ Bills in Georgia, Indiana, New Mexico, Oregon, Virginia, West Virginia, and Wyoming failed to pass in the 2024 legislative session.

Nearly all¹⁴¹ states with an existing law impacting access to bathrooms and other facilities for transgender youth had new or carried-over bills pending in the 2024 legislative session that could potentially further limit access to bathrooms or other facilities. These include bills that would modify existing laws, including nondiscrimination provisions, to permit separation and categorization by assigned sex at birth,¹⁴² define “sex” and other gender-related terms for government purposes based on assigned sex at birth,¹⁴³ require state identity documents to display assigned sex at birth,¹⁴⁴ and require “sex” data and vital statistics collection to be based on assigned sex at birth.¹⁴⁵ These states

¹³² S.B. 375, 2024 Gen. Ct., Reg. Sess. (N.H. 2024); H.B. 396, 2023 Gen. Ct., Reg. Sess. (N.H. 2023). S.B. 375 passed in the Senate on April 5, 2024. H.B. 396 passed in the House on January 8, 2024. See Kathryn Carley, *NH House Reaffirms Support for Transgender Bathroom Bill*, PUB. NEWS SERV., Feb. 5, 2024, <https://www.publicnews-service.org/2024-02-05/lgbtqia-issues/nh-house-reaffirms-support-for-transgender-bathroom-bill/a88675-1#:~:text=House%20Bill%20396%20does%20not,to%20create%20their%20own%20restrictions>. H.B. 619, 2023 Gen. Ct., Reg. Sess. (N.H. 2023) previously contained a facilities ban, but the law was revised before passage by the House.

¹³³ H.B. 205, 56th Leg., 2d Reg. Sess. (N.M. 2024). This bill did not advance.

¹³⁴ Ohio has one bill remaining from the 2023 legislative session. H.B. 183, 135th Gen. Assemb., 2d Reg. Sess. (Ohio 2023). The bill is advancing as of April 10, 2024. See David Rees, *Ohio Trans Bathroom Ban Is Now On Its Way To House Floor Vote*, NBC4, April 10, 2024, <https://www.nbc4i.com/news/politics/ohio-trans-bathroom-ban-bill-is-now-on-its-way-to-house-floor-vote/>.

¹³⁵ H.B. 4143, 82nd Leg., 2024 Reg. Sess. (Or. 2024). This bill failed at the close of the legislative session on March 7, 2024.

¹³⁶ H. 4535, 125th Gen. Assemb., 2d Reg. Sess. (S.C. 2024), H. 4538, 125th Gen. Assemb., 2d Reg. Sess. (S.C. 2024).

South Carolina also has two bills remaining from the 2023 legislative session, which are not advancing. S.J.R. 624, 125th Gen. Assemb., Reg. Sess. (S.C. 2023) and S.J.R. 276, 125th Gen. Assemb., Reg. Sess. (S.C. 2023). These bills would seek to amend the state constitution.

¹³⁷ H.J.R. 89, 163rd Gen. Assemb., Reg. Sess. (Va. 2024). This bill died in committee on February 13, 2024.

¹³⁸ H.B. 4806, 86th Leg., 2d Reg. Sess. (W. Va. 2024), H.B. 5243, 86th Leg., 2d Reg. Sess. (W. Va. 2024), H.B. 5656, 86th Leg., Reg. Sess. (W. Va. 2024), and S.B. 601, 86th Leg., Reg. Sess. (W. Va. 2024). However, these bills failed at the close of the legislative session on March 9, 2024.

¹³⁹ H.B. 0050, 67th Leg., 2d Reg. Sess. (Wyo. 2024). This bill failed on February 15, 2024.

¹⁴⁰ S.B. 2753 passed the Senate on March 13, 2024 and the House on April 10, 2024, after amendment. See Grant McLaughlin, *Mississippi House Passes Transgender Restriction Bill*, Clarion Ledger, April 10, 2024, <https://www.clarionledger.com/story/news/politics/2024/04/10/mississippi-bill-would-restrict-what-bathrooms-transgender-people-can-use/73278137007/>.

¹⁴¹ Montana and North Dakota do not have 2024 legislative sessions. *2024 State Legislative Calendar*, NAT’L CONF. OF STATE LEG. (March 4, 2024), <https://www.ncsl.org/about-state-legislatures/2024-state-legislative-session-calendar>.

¹⁴² See e.g. Kentucky H.B. 390, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024), Kansas H.B. 2427, 2023-2024 Leg., Reg. Sess. (Kan. 2023), and Kansas S.B. 255, 2023-2024 Leg., Reg. Sess. (Kan. 2023).

¹⁴³ See e.g. S.B. 1831, 59th Leg., 2d Reg. Sess. (Okla. 2024).

¹⁴⁴ See e.g. Iowa H.F. 2389/H.S.B. 649, 90th Gen. Assemb., 2nd Reg. Sess. (Iowa 2024); Florida H.B. 1233, 2024 Leg., 126th Reg. Sess. (Fla. 2024).

¹⁴⁵ See e.g. Kentucky H.B. 390, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024).

are Alabama,¹⁴⁶ Florida,¹⁴⁷ Iowa,¹⁴⁸ Kansas,¹⁴⁹ Kentucky,¹⁵⁰ Nebraska,¹⁵¹ Oklahoma,¹⁵² Tennessee,¹⁵³ and Utah.¹⁵⁴ Bills in Florida, Iowa, Kentucky, Nebraska, and Utah failed to pass in the 2024 legislative session.

BANS ON GENDER-AFFIRMING PRONOUNS

What are Gender-Affirming Pronouns?

Gender pronouns—such as he, she, and they—are used when referring to individuals in the third person.¹⁵⁵ For many transgender youth, choosing a pronoun that aligns with their gender identity is a component of social transition, which is the process “... by which transgender children or adolescents adopt the name, pronouns, and gender expression, such as clothing and haircuts, that match their gender identity.”¹⁵⁶

¹⁴⁶ H.B. 111, 2024 Leg., Reg. Sess (Utah 2024), S.B. 92, 2024 Leg., Reg. Sess. (Utah 2024).

¹⁴⁷ H.B. 1233, 2024 Leg., 126th Reg. Sess. (Fla. 2024). This bill includes a provision that would restrict state-issued IDs to assigned sex at birth. However, this bill failed at the close of the legislative session on March 8, 2024.

¹⁴⁸ H.F. 2389/H.S.B. 649, 90th Gen. Assemb., 2nd Reg. Sess. (Iowa 2024). This bill includes a provision that would restrict state-issued IDs to assigned sex at birth. *See also* S.F. 2055 (2024). Additionally, the state had two bills from the 2023 legislative session remaining, which did not advance. H.F. 290, 90th Gen. Assemb., Reg. Sess. (Iowa 2023) and H.F. 325, 90th Gen. Assemb., Reg. Sess. (Iowa 2023). All bills failed at the close of the legislative session on April 20, 2024.

¹⁴⁹ Kansas has two laws remaining from the 2023 legislation session which are not advancing. H.B. 2427, 2023-2024 Leg., Reg. Sess. (Kan. 2023) and S.B. 255, 2023-2024 Leg., Reg. Sess. (Kan. 2023). These laws would address overnight travel protocols for students.

¹⁵⁰ H.B. 390, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024). This bill failed at the end of the legislative session on April 15, 2024.

¹⁵¹ Nebraska’s law advanced significantly in 2023 but did not pass and was carried over into this legislative session. L.B. 575, 108th Leg., Reg. Sess. (Neb. 2023). However, this bill failed a final vote before the close of the 2024 legislative session. *See* L.B. 575, *supra* note 105.

¹⁵² S.B. 1831, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1530, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1731, 59th Leg., 2d Reg. Sess. (Okla. 2024). Oklahoma also has two bills remaining from the 2023 session which are not advancing. S.B. 202, 59th Leg., Reg. Sess. (Okla. 2023) and S.B. 251, 59th Leg., Reg. Sess. (Okla. 2023).

¹⁵³ Tennessee has legislation proposed in its House and Senate that would expand the scope of existing sexual misconduct laws to address bathrooms, changing rooms, and other sex-separated spaces and increase the range of potential criminal consequences. *See* H.B. 1949/S.B. 2781, 113th Gen. Assemb., 2d Reg. Sess. (Tenn. 2024). This legislation does not explicitly target transgender youth but could result in increased bathroom enforcement, criminal prosecution, or other collateral consequences as a result of bathroom use.”

¹⁵⁴ H.B. 253, 2024 Leg., Reg. Sess (Utah 2024). This bill failed at the end of the legislative session on March 1, 2024.

¹⁵⁵ N.Y.C. DEP’T. OF Soc. Svcs., *Gender Pronouns*, <https://www.nyc.gov/assets/hra/downloads/pdf/services/lgbtqi/Gender%20Pronouns%20final%20draft%2010.23.17.pdf> (last visited March 10, 2024); NAT’L. INST. OF HEALTH, *The Importance of Gender Pronouns & Their Use in Workplace Communication* (Jan. 2024), <https://dpcpsi.nih.gov/sites/default/files/2024-01/Gender%20Pronouns%20%20Their%20Use%20in%20Workplace%20Communications.pdf>; *See also* Laural Wamsley, *A Guide to Gender Identity Terms*, NPR, June 2, 2021, <https://www.npr.org/2021/06/02/996319297/gender-identity-pronouns-expression-guide-lgbtq>.

¹⁵⁶ FENWAY HEALTH, *Study Finds That Early Social Transition For Transgender Youth Results In Good Mental Health Outcomes, But Unaccepting School Environments May Lead To Greater Risk Of Suicidality*, July 21, 2021, <https://fenwayhealth.org/study-finds-that-early-social-transition-for-transgender-youth-results-in-good-mental-health-outcomes-but-unaccepting-school-environments-may-lead-to-greater-risk-of-suicidality/#:~:text=Social%20transition%20describes%20the%20process,that%20match%20their%20gender%20identity>.

One form of anti-pronoun law establishes a right for a parent to know about a young person's change in pronouns.¹⁵⁷ These bills require school staff and other state employees to disclose a young person's transgender status or gender exploration to parents. Another form of anti-pronoun law empowers teachers and other state employees to refuse to use an affirming pronoun.¹⁵⁸ Florida's law prohibits using a pronoun in a public primary or secondary school other than the one typically associated with a person's assigned sex at birth.¹⁵⁹

State Bans or Restrictions on Gender-Affirming Pronouns

Fourteen states have enacted laws that may prohibit a young person from using gender-affirming pronouns or impose prohibitive limits or restrictions on the use of affirming pronouns in schools and other public facilities. These states are Alabama,¹⁶⁰ Arkansas,¹⁶¹ Florida,¹⁶² Idaho,¹⁶³ Indiana,¹⁶⁴ Iowa,¹⁶⁵ Kentucky,¹⁶⁶ Montana,¹⁶⁷ Nebraska,¹⁶⁸ North Carolina,¹⁶⁹ North Dakota,¹⁷⁰ Oklahoma,¹⁷¹ Tennessee,¹⁷² and Utah.¹⁷³ Idaho's law is the most recent, having been enacted in April 2024. We estimate that 49,100 transgender youth ages 13-17 now live in states with bans or limits on pronoun use.

¹⁵⁷ See e.g. Utah S.B. 100, 2023 Leg., Reg. Sess (Utah 2023), Ariz. S.B. 1166, 56th Leg., 2d Reg. Sess. (Ariz. 2024).

¹⁵⁸ H.B. 1468, 94th Gen. Assemb., Reg. Sess. (Ark. 2023), Okla. HB 3120, 59th Leg., 2d Reg. Sess. (Okla. 2024).

¹⁵⁹ Fla. H.B. 1069, 2023 Leg., 125th Reg. Sess. (Fla. 2023) (enacted).

¹⁶⁰ S.B. 184, 2022 Leg., Reg. Sess., 2022 Ala. Adv. Legis. Serv. 289 (Ala. 2022) (enacted); Alabama's law prohibiting gender-affirming care includes a provision requiring school personnel to notify parents about a young person's use of pronouns.

¹⁶¹ H.B. 1468, 2023 Ark. Adv. Legis. Svc. 542 (LexisNexis 2023) (enacted). The Given Name Act contains provisions which would limit the use of pronouns by transgender youth. See also Sarah Huckabee Sanders, Exec. Order to Eliminate Woke Anti-Women Words From State Government and Respect Women, Oct. 19, 2023, https://governor.arkansas.gov/executive_orders/executive-order-to-eliminate-woke-anti-women-words-from-state-government-and-respect-women/.

¹⁶² H.B. 1069, 2023 Leg., 125th Reg. Sess. (Fla. 2023) (enacted). This bill states that "it is false to ascribe to a person a pronoun that does not correspond to such person's sex."

¹⁶³ H.B. 538, 67th Leg., 2nd Reg. Sess. (Idaho 2024) (enacted); See also Ryan Suppe, *Idaho Gov. Brad Little Signs Bill to Ban Compelled Pronoun Use*, IDAHO CAPITAL SUN, April 9, 2024, <https://idahocapitalsun.com/2024/04/09/idaho-gov-brad-little-signs-bill-to-ban-compelled-pronoun-use/>.

¹⁶⁴ H.B. 1608, 123rd Gen. Assemb., Reg. Sess. (Ind. 2023) (enacted).

¹⁶⁵ S.F. 496, 90th Gen. Assemb., Reg. Sess. (Iowa 2023) (enacted).

¹⁶⁶ S.B. 150, 2023 Gen. Assemb., Reg. Sess. (Ky. 2023) (enacted).

¹⁶⁷ S.B. 99, 68th Leg., Reg. Sess. (Mont. 2023) (enacted). Montana's bill banning gender-affirming care for minors also includes a provision preventing the facilitation of "social transition" on state property.

¹⁶⁸ EO 23-16 (2023), *supra* note 115.

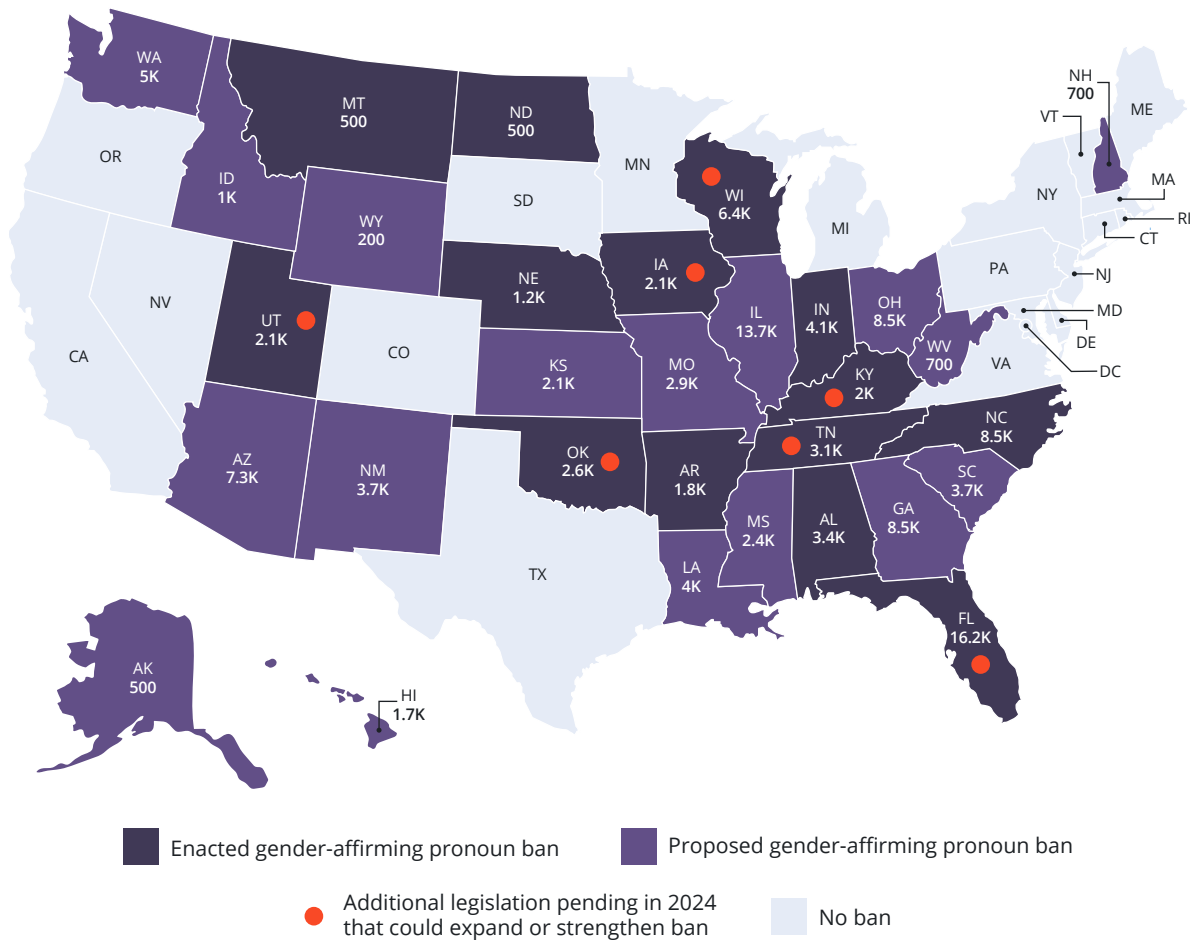
¹⁶⁹ S. 49, 2023 Gen. Assemb., Reg. Sess (N.C. 2023) (Enacted).

¹⁷⁰ North Dakota's laws are comprehensive in scope and include a prohibition on gender-affirming policies in public schools. H.B. 1522, 68th Leg. Assemb., Reg. Sess. (N.D. 2023) (enacted), S.B. 2231 68th Leg. Assemb., Reg. Sess. (N.D. 2023) (enacted).

¹⁷¹ Okla. Exec. Order 2023-31, Dec. 13, 2023, <https://www.sos.ok.gov/documents/executive/2092.pdf>.

¹⁷² H.B. 1269, 113th Gen. Assemb., Reg. Sess. (Tenn. 2023) (enacted), S.B. 466, 113th Gen. Assemb., Reg. Sess. (Tenn. 2023) (enacted). Tennessee's laws include a shield from civil liability for refusing to use a pronoun.

¹⁷³ S.B. 100, 2023 Leg., Reg. Sess (Utah 2023) (enacted).



Florida’s law banning the use of gender-affirming pronouns has been challenged in court.¹⁷⁴ However, none of these laws are yet blocked by courts. Lawsuits have been filed in other states regarding the use of pronouns in secondary school, most commonly by teachers who refuse to use the gender pronouns of their students.¹⁷⁵ However, most cases do not bear directly on the laws enacted in these fourteen states.

¹⁷⁴ Wood, et al., v. Florida Dep’t. of Educ., et al., 4:23-cv-00526-MW-MAF (ND. Fla. Tallahassee); See also Madeline Will, Florida Teachers Sue Over State Law Restricting Their Pronoun Use, EDUC. WEEK, Dec. 18, 2023, <https://www.edweek.org/policy-politics/florida-teachers-sue-over-state-law-restricting-their-pronoun-use/2023/12>.

¹⁷⁵ See e.g. John Kluge v. Brownsburg Community School Co., No. 21-2475 (Seventh Cir. 2023); Peter Vlaming v. West Point School Board, et. al, No. 211061 (Cir. Ct. King William County, Virg. Dec. 14, 2023); See also Parents Defending Education v. Olentangy Local School District Bd. Of Educ., 2:23-cv-01595 (S.D. Ohio July 27, 2023).

Seventeen additional states had bills pending in the 2024 legislative session that would restrict pronoun use for transgender youth ages 13-17. These states are Alaska,¹⁷⁶ Arizona,¹⁷⁷ Georgia,¹⁷⁸ Hawaii,¹⁷⁹ Illinois,¹⁸⁰ Kansas,¹⁸¹ Louisiana,¹⁸² Mississippi,¹⁸³ Missouri,¹⁸⁴ New Hampshire,¹⁸⁵ New Mexico,¹⁸⁶ Ohio,¹⁸⁷ South Carolina,¹⁸⁸ Washington,¹⁸⁹ West Virginia,¹⁹⁰ Wisconsin,¹⁹¹ and Wyoming.¹⁹²

72,000 transgender youth ages 13-17 live in these states. A bill in Wisconsin was passed by both chambers of the legislature but vetoed by the state's governor.¹⁹³ Bills in Georgia, Mississippi, New Mexico, Washington, West Virginia, and Wyoming, and an additional bill in Wisconsin failed to pass in the 2024 legislative session.

¹⁷⁶ H.R. 9, 33d Leg., 2d Reg. Sess. (Alaska 2024), and H.B. 382, 33d Leg., 2d Reg. Sess. (Alaska 2024). Two bills also remain from the 2023 legislative session but are not advancing. H.B. 105 33d Leg., Reg. Sess. (Alaska 2023) and S.B. 96, 33d Leg., Reg. Sess. (Alaska 2023).

¹⁷⁷ S.B. 116656th Leg., 2nd Reg. Sess. (Ariz. 2024), S.B. 2655, 56th Leg., 2nd Reg. Sess. (Ariz. 2024). Arizona's proposed ballot initiative S.C.R. 1013 would also include restrictions on pronouns in schools. See S.C.R. 1013, *supra* note 131. This initiative failed.

¹⁷⁸ S.B. 88, 157th Gen. Assemb., 2nd Reg. Sess. (Ga. 2024). This bill failed at the close of the legislative session on March 28, 2024.

¹⁷⁹ H.B. 1715, 31st Leg., 2d Reg. Sess. (Haw. 2024).

¹⁸⁰ H.B. 4531, 103rd Gen. Assemb., 2d Reg. Sess. (Ill. 2024).

¹⁸¹ H.B. 2791, 2023-2024 Leg., Reg. Sess. (Kan. 2024). One bill remains from the 2023 legislative session but is not advancing. S.B. 207, 2023-2024 Leg., Reg. Sess. (Kan. 2023).

¹⁸² H.B. 121, 2024 Leg., Reg. Sess. (La. 2024) (Pre-filed).

¹⁸³ H.B. 176, 2024 Leg., Reg. Sess. (Miss. 2024), S.B. 1605, 2024 Leg., Reg. Sess. (Miss. 2024), S.B. 1606, 2024 Leg., Reg. Sess. (Miss. 2024), and S.B. 2553, 2024 Leg., Reg. Sess. (Miss. 2024)). All bills failed on March 5, 2024.

¹⁸⁴ H.B. 868, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 1256, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 1405, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 1523, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 1739, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2885, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), S.B. 728, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024).

¹⁸⁵ H.B. 1356, 2024 Gen. Ct., Reg. Sess. (N.H. 2024), S.B. 341, 2024 Gen. Ct., Reg. Sess. (N.H. 2024). S.B. 341 was passed by the Senate on April 5, 2024. H.B. 619, 2023 Gen. Ct., Reg. Sess. (N.H. 2023) previously included language regarding pronouns, but it was removed from the version passed by the House.

¹⁸⁶ H.B. 296, 56th Leg., 2d Reg. Sess. (N.M. 2024). This bill failed at the close of the legislative session on February 15, 2024.

¹⁸⁷ S.B. 1880, 135th Gen. Assemb., 2d Reg. Sess. (Ohio 2024).

¹⁸⁸ H. 4707, 125th Gen. Assemb., 2d Reg. Sess. (S.C. 2024). Two bills remain from the 2023 legislative session but are not advancing. H. 3827, 125th Gen. Assemb., Reg. Sess. (S.C. 2023) and S. 0424, 125th Gen. Assemb., Reg. Sess. (S.C. 2023).

¹⁸⁹ S.B. 6026, 68th Leg., 2024 Reg. Sess. (Wash. 2024). This bill failed at the close of the legislative session on March 7, 2024.

¹⁹⁰ H.B. 4579, 86th Leg., 2d Reg. Sess. (W. Va. 2024), H.B. 5442, 86th Leg., 2d Reg. Sess. (W. Va. 2024), S.B. 515 86th Leg., 2d Reg. Sess. (W. Va. 2024), and S.B. 870, 86th Leg., 2d Reg. Sess. (W. Va. 2024). However, these bills failed at the close of the legislative session on March 9, 2024.

¹⁹¹ A.B. 510, 2023-2024 Legislature, 2d Reg. Sess. (Wisc. 2024); S.B. 489, 2023-2024 Legislature, 2d Reg. Sess. (Wisc. 2024). S.B. 489 bill failed at the close of the legislative session on March 12, 2024.

¹⁹² H.B. 61 67th Leg., 2d Reg. Sess. (Wyo. 2024), H.B. 190, 67th Leg., 2d Reg. Sess. (Wyo. 2024), S.B. 84, 67th Leg., 2d Reg. Sess. (Wyo. 2024). All bills failed.

¹⁹³ A.B. 510, 2023-2024 Legislature, 2d Reg. Sess. (Wisc. 2024). See Gov. Tony Evers, *Governor's Veto Message*, March 29, 2024, https://docs.legis.wisconsin.gov/2023/related/veto_messages/ab510.pdf.

Additionally, six of the states that have already enacted legislation restricting pronoun use had new or carried-over bills pending in the 2024 legislative session, including bills that would require the use of pronouns in schools that are associated with a student's assigned sex at birth¹⁹⁴ and bills that would restrict the use of pronouns in the workplace.¹⁹⁵ These states are Florida,¹⁹⁶ Iowa,¹⁹⁷ Kentucky,¹⁹⁸ Oklahoma,¹⁹⁹ Tennessee,²⁰⁰ and Utah.²⁰¹ Bills in Florida, Iowa, Kentucky, and Utah failed to pass in the 2024 legislative session.

¹⁹⁴ See e.g. Oklahoma H.B. 3120, 59th Leg., 2d Reg. Sess. (Okla. 2024). The pronoun language proposed in this bill is similar to the language in Florida's enacted law. See H.B. 1069, 2023 Leg., 125th Reg. Sess. (Fla. 2023) (enacted).

¹⁹⁵ See e.g. Florida H.B. 599, 2024 Leg., 126th Reg. Sess. (Fla. 2024).

¹⁹⁶ H.B. 599, 2024 Leg., 126th Reg. Sess. (Fla. 2024), S.B. 1382, 2024 Leg., 126th Reg. Sess. (Fla. 2024). These bills would have extended pronoun bans into the workplace and government contractor context. However, both bills failed at the close of the legislative session on March 8, 2024.

¹⁹⁷ H.F. 2396, 90th Gen. Assemb., 2nd Reg. Sess. (Iowa 2024), H.F. 2496, 90th Gen. Assemb., 2nd Reg. Sess. (Iowa 2024). Both bills failed at the close of the legislative session on April 20, 2024.

¹⁹⁸ H.B. 36, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024), H.B. 51, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024), H.B. 208, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024), H.B. 304, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024). Note: Kentucky also saw the introduction of bills that would *protect* the use of affirming pronouns. H.B. 376, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024), S.B. 238, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024). However, all bills failed at the close of the legislative session on April 15, 2024.

¹⁹⁹ H.B. 3120, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1563, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1880, 59th Leg., 2d Reg. Sess. (Okla. 2024), S.B. 1730, 59th Leg., 2d Reg. Sess. (Okla. 2024). Three bills also remained from the 2023 legislative session but are not advancing. These are S.B. 30, 59th Leg., Reg. Sess. (Okla. 2023), S.B. 932, 59th Leg., Reg. Sess. (Okla. 2023), and S.B. 937, 59th Leg., Reg. Sess. (Okla. 2023).

²⁰⁰ H.B. 2165, 113th Gen. Assemb., 2d Reg. Sess., (Tenn. 2024), S.B. 620, 113th Gen. Assemb., 2d Reg. Sess. (Tenn. 2024), and S.B. 1810, 113th Gen. Assemb., 2d Reg. Sess. (Tenn. 2024). One bill from the 2023 legislative session remains but is not advancing. H.B. 1414, 113th Gen. Assemb., Reg. Sess. (2023).

²⁰¹ H.B. 0527, 2024 Leg., Reg. Sess (Utah 2024). This bill failed at the close of the legislative session on March 1, 2024.

LAWS THAT SUPPORT TRANSGENDER YOUTH

GENDER-AFFIRMING CARE “SHIELD” LAWS

What are “Shield” Laws?

Gender-affirming care “shield” laws protect doctors and parents who prescribed or sought access to gender-affirming medical care for transgender youth, particularly in states that have laws restricting access to such care (see Gender-affirming Care Bans earlier this report).

The specific provisions of these laws and policies vary from state to state, but there are some common key provisions. Many of the laws and policies prohibit courts and law enforcement from participating in another state’s enforcement actions against physicians related to the provision of gender-affirming care and prohibit health care providers and insurers from releasing medical records related to gender-affirming care in connection with an enforcement action.²⁰² Many also protect parents who seek care for their children within the state.²⁰³ Some states also prohibit insurers and licensing entities in the state from taking adverse action against physicians seeking to practice medicine in the state based on out-of-state determinations.²⁰⁴ For example, if a physician lost their license for providing gender-affirming care in a state that bans the practice, a “shield” law state cannot deny state licensure on the basis of the outcome of that out-of-state proceeding.

State “Shield” Laws

Fourteen states and the District of Columbia have “shield” laws or policies that support access to gender-affirming care for youth.²⁰⁵ In eleven of these states, state legislatures have enacted statutes that protect access to care; in three states, state governors have extended protections through executive orders.²⁰⁶ An estimated 146,700 transgender youth live in states and D.C. with “shield” laws or policies. This is about half of transgender youth in the U.S.²⁰⁷

²⁰² See, e.g., S.B. 107, 2021-2022 Reg. Sess. (Cal. 2022); S. 2475B, 2023-2024 Reg. Sess. (N.Y. 2023).

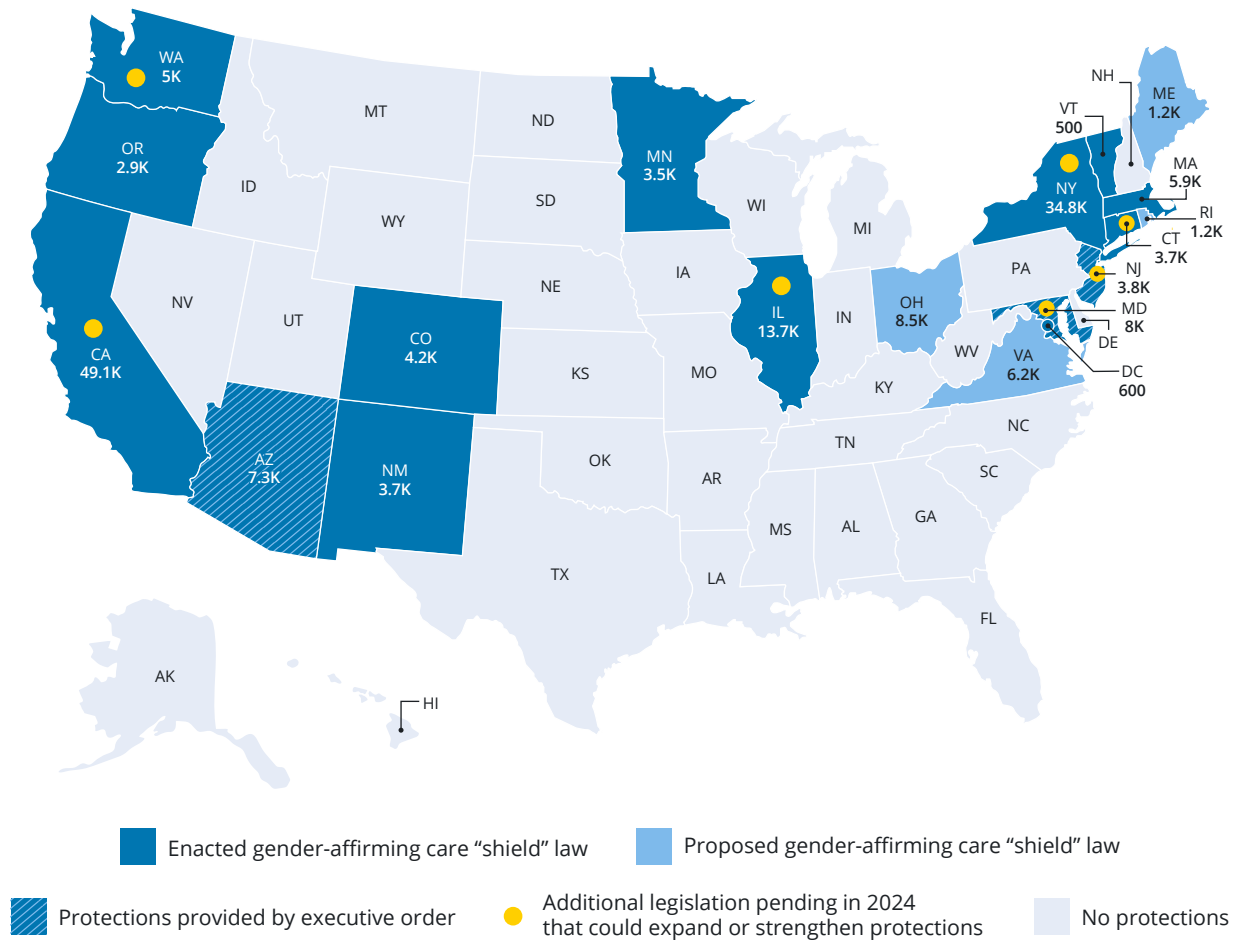
²⁰³ See, e.g., S.B. 107, 2021-2022 Reg. Sess. (Cal. 2022); S. 2475B, 2023-2024 Reg. Sess. (N.Y. 2023).

²⁰⁴ See, e.g., H. 5090, 192nd Gen. Ct. (Mass. 2022); H.B. 2002, 82nd Leg. Assemb., 2023 Reg. Sess. (Or. 2023).

²⁰⁵ MOVEMENT ADVANCEMENT PROJECT, HEALTHCARE LAWS AND POLICIES: “SHIELD” OR “REFUGE” LAWS PROTECTING ACCESS TO GENDER-AFFIRMING HEALTH CARE 3 (2024), <https://www.lgbtmap.org/img/maps/citations-trans-shield-laws.pdf>.

²⁰⁶ *Id.*

²⁰⁷ HERMAN ET AL., *supra* note 5.



Most of these states—eleven states and D.C.—enacted “shield” laws and policies in 2023.²⁰⁸ New York enacted an additional law in 2024 to address issues arising from out-of-state gender-affirming care bans.²⁰⁹

An additional four state legislatures had “shield” bills pending in the 2024 legislative session. These states are Maine,²¹⁰ Ohio,²¹¹ Rhode Island,²¹² and Virginia.²¹³ 17,100 transgender youth ages 13-17

²⁰⁸ *Id.* Note that Arizona has both a statutory law that prohibits physicians from providing gender-affirming surgical care to youth, which is considered a form of best-practice medical care, and a “shield” executive order. The executive order offers protections to physicians who provide gender-affirming care other than surgical care to minors, such as puberty blockers and hormones. The executive order does not override any statutory provisions. Ariz. Exec. Order No. 2023-12, Ensuring Access to Medically Necessary Health Care, June 27, 2023, <https://azgovernor.gov/office-arizona-governor/executive-order/2023-12>.

²⁰⁹ A. 08627/S. 8058, 2023-2024 Leg., Reg. Sess. (N.Y. 2024) (enacted March 1, 2024).

²¹⁰ L.D. 227, 131st Leg., Reg. Sess. (Me. 2023); L.D. 1725, 131st Leg., Reg. Sess. (Me. 2023).

²¹¹ H.B. 343, 135th Gen. Assemb., Reg. Sess. (Ohio 2023).

²¹² H. 7577, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024), S. 2262, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024).

²¹³ S.B. 278, (163rd Gen. Assemb., Reg. Sess. (Va. 2024). This bill did not advance in 2024 but was continued to 2025 in committee.

live in these states and could benefit from these laws. Maine’s bill passed both chambers of the legislature on April 12, 2024.²¹⁴ Virginia’s bill did not advance in the 2024 legislative session.

In seven states with existing “shield” laws, additional legislation was proposed or carried over in the 2024 legislative session that would expand or strengthen the state’s protections. These states are California,²¹⁵ Connecticut,²¹⁶ Illinois,²¹⁷ Maryland,²¹⁸ New Jersey,²¹⁹ New York,²²⁰ and Washington.²²¹ Maryland’s bill passed both chambers of the legislature as of April 4, 2024.²²² California and Washington’s additional bills did not advance in the 2024 legislative session.

CONVERSION THERAPY BANS

Conversion therapy bans prohibit licensed mental health care providers from subjecting youth to practices that are intended to change their sexual orientation or gender identity. These laws generally allow state licensing boards to take disciplinary action against licensed providers who do not comply.²²³ Some states also consider conversion therapy, when performed in exchange for money, a fraudulent business practice and allow for enforcement and penalties consistent with other state laws barring such practices.²²⁴ In addition, some states have enacted partial bans on conversion therapy through executive orders or administrative policies.²²⁵ Partial bans generally prohibit the use of state funds for conversion therapy or classify conversion therapy as unethical conduct in professional codes.²²⁶

²¹⁴ David Sharp, *Maine Lawmakers Approve Shield Law For Providers of Abortion and Gender-Affirming Care*, PBS NewsHour, April 12, 2024, <https://www.pbs.org/newshour/politics/maine-lawmakers-approve-shield-law-for-providers-of-abortion-and-gender-affirming-care>.

²¹⁵ S.B. 36 (2023). This bill failed on Feb. 1, 2024.

²¹⁶ H.B. 5424, 2024 Gen. Assemb., Reg. Sess. (Conn. 2024); *See also* S.B. 214, 2024 Gen. Assemb., Reg. Sess. (Conn. 2024).

²¹⁷ H.B. 5586, 103rd Gen. Assemb., 2d Reg. Sess. (Ill. 2024).

²¹⁸ S.B. 119, 2024 Gen. Assemb., Reg. Sess. (Md. 2024) (Pre-filed July 10, 2023). This bill supplements the state’s existing protections Exec. Order 01.01.2023.08, Protecting the Right to Seek Gender-Affirming Medical Care in Maryland, June 5, 2023, https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/11/EO_01.01.2023.08_accessible.pdf.

²¹⁹ S. 1628, 221st Leg., Reg. Sess. (N.J. 2024). This bill would supplement the protections of Exec. Order 326, April 4, 2023, <https://www.nj.gov/infobank/eo/056murphy/pdf/EO-326.pdf>.

²²⁰ A. 06269/S. 05636, 2023-2024 Leg., Reg. Sess. (N.Y. 2024), A. 06993, 2023-2024 Leg., Reg. Sess. (N.Y. 2024), A. 07897, 2023-2024 Leg., Reg. Sess. (N.Y. 2024), S. 8704, 2023-2024 Leg., Reg. Sess. (N.Y. 2024). Two bills remain from the 2023 legislative session and are not advancing. S. 06637, 2023-2024 Leg., Reg. Sess. (N.Y. 2023), S. 07506, 2023-2024 Leg., Reg. Sess. (N.Y. 2023).

²²¹ Washington’s bill was carried over to the 2024 legislative session but is essentially the companion bill to the state’s existing “shield” law, passed in 2023. *See* S.B. 5489, 68th Leg., 2023 Reg. Sess. (Wash. 2023). This bill failed at the close of the 2024 legislative session on March 7, 2024.

²²² *See* Ginny Bixby, *Trans Shield Act Passes Md. General Assembly*, MoCo360, April 3, 2024, <https://moco360.media/2024/04/03/trans-shield-act-passes-md-general-assembly>.

²²³ For a more detailed analysis of conversion therapy bans generally, *see* CHRISTY MALLORY, TAYLOR N.T. BROWN & KERITH J. CONRON, WILLIAMS INST., CONVERSION THERAPY AND LGBT YOUTH (2019), <https://williamsinstitute.law.ucla.edu/publications/conversion-therapy-and-lgbt-youth/>.

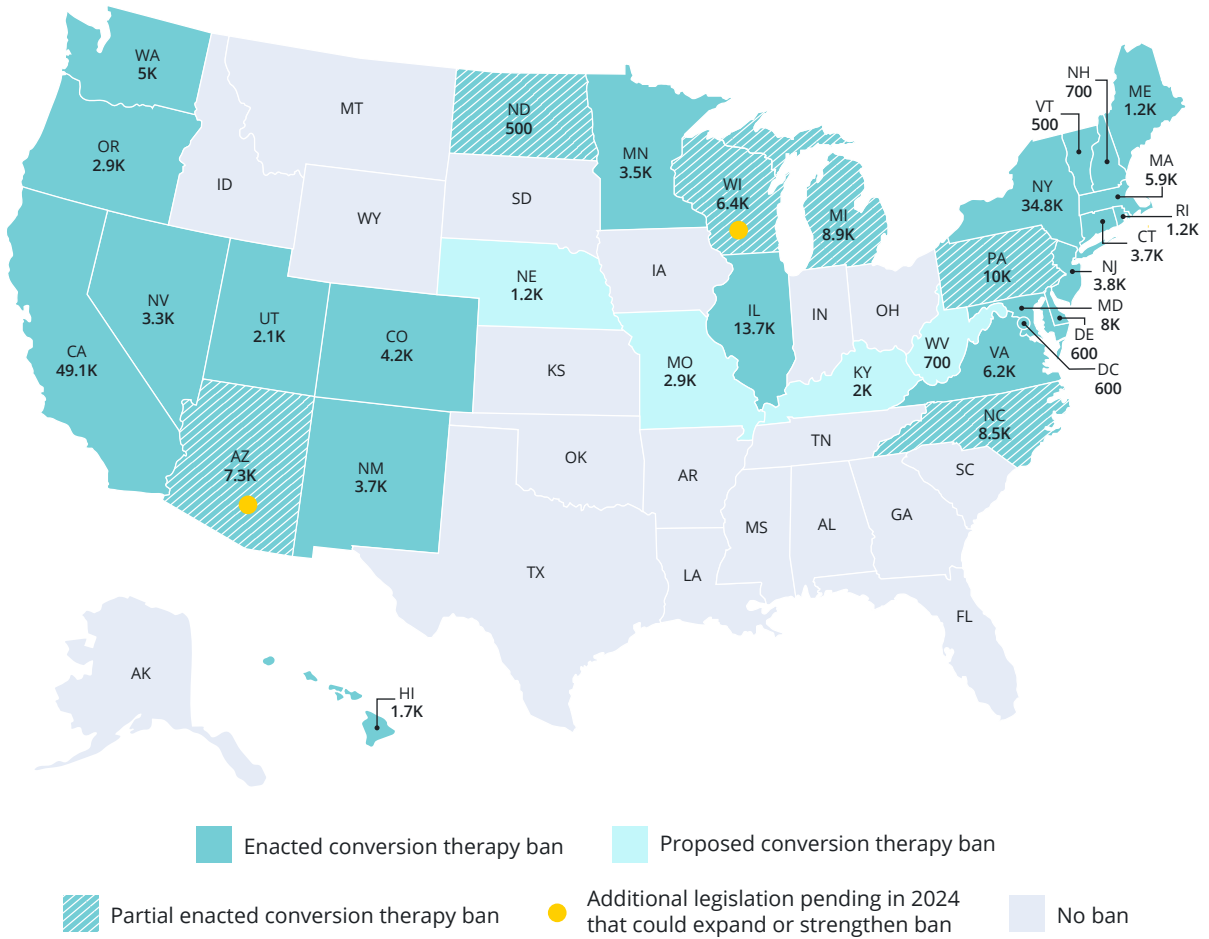
²²⁴ *Id.*

²²⁵ *See e.g.*, Ariz. Exec. Order No. 2023-13, Protecting Young People from Conversion Therapy, June 27, 2023, <https://azgovernor.gov/office-arizona-governor/executive-order/2023-13>.

²²⁶ *Id.*

State Bans on Conversion Therapy

Twenty-seven states and D.C. ban or limit the use of conversion therapy through laws or policies.²²⁷ Legislatures in 22 states and D.C. have enacted statutory bans on the practice.²²⁸ In five other states, executive orders or administrative policies limit the use of conversion therapy.²²⁹ An estimated 198,000 transgender youth live in states that ban or limit the practice of conversion therapy.²³⁰ This is about two-thirds of transgender youth in the U.S.²³¹



²²⁷ MOVEMENT ADVANCEMENT PROJECT, LGBTQ YOUTH: CONVERSION “THERAPY” LAWS (2023), <https://www.lgbtmap.org/img/maps/citations-conversion-therapy.pdf>.

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ Conversion therapy bans also protect LGBTQ youth from conversion therapy. Those youth are not included in our estimates.

²³¹ HERMAN ET AL., *supra* note 5.

Conversion therapy bans have been challenged in court, with different circuits arriving at different results. Most notably, the Ninth Circuit recently upheld Washington’s conversion therapy ban,²³² establishing that such bans are permissible in the states comprising that circuit.²³³ However, the Eleventh Circuit has ruled the opposite, finding such bans unconstitutional and blocking implementation.²³⁴ States in the Eleventh Circuit are subject to this ruling.²³⁵

An additional four states had bills pending in the 2024 legislative session that would ban conversion therapy practices. These states are Kentucky,²³⁶ Missouri,²³⁷ Nebraska,²³⁸ and West Virginia.²³⁹ An estimated 6,800 transgender youth ages 13-17 live in these states and could benefit from these laws. Proposed conversion therapy bans in Nebraska and West Virginia did not pass in the 2024 legislative session.

Two states that already have bans on conversion therapy through executive orders, Arizona²⁴⁰ and Wisconsin,²⁴¹ had bills pending in the 2024 legislative session that would enshrine protections into statute. Wisconsin’s bill did not pass in the 2024 legislative session.

²³² *Tingley v. Ferguson*, No. 3:21-cv-05359-RJB (Ninth Cir. Jan. 23, 2023); *cert. denied* No. 22-942, 601 U.S. ____ (2023) (Dec. 11, 2023).

²³³ These states are Arizona, California, Hawaii, Idaho, Montana, Oregon and Washington. See *Circuit Map*, U.S. COURTS FOR THE NINTH CIRCUIT, <https://www.ca9.uscourts.gov/information/circuit-map/> (last visited March 11, 2024).

²³⁴ See *Otto v. Boca Raton*, No. 9:18-cv-80771-RLR (Eleventh Cir. Nov. 20, 2020).

²³⁵ These states are Alabama, Florida, and Georgia. See e.g. *About the Court*, U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, <https://www.ca11.uscourts.gov/about-court> (last visited March 11, 2024).

²³⁶ Ky. H.B. 330, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024). This bill failed at the close of the legislative session on April 15, 2024.

²³⁷ H.B. 2263, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2296, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), H.B. 2530, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), S.B. 1209, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), S.B. 1289, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024), S.B. 1335, 102nd Leg., Gen. Assemb., 2nd Reg. Sess. (Mo. 2024).

²³⁸ Neb. L.B. 179, 108th Leg. Reg. Sess. (Neb. 2023). This bill was carried over from the 2023 legislative session and did not advance in the 2024 legislative session.

²³⁹ W. Va. H.B. 4679, 86th Leg., 2d Reg. Sess. (W. Va. 2024), S.B. 2679, 86th Leg., 2d Reg. Sess. (W. Va. 2024). These bills failed at the close of the legislative session on March 9, 2024.

²⁴⁰ Ariz. H.B. 2736, 56th Leg., 2nd Reg. Sess. (Ariz. 2024). In addition to banning conversion therapy, the bill would add sexual orientation and gender identity to the state’s anti-discrimination law.

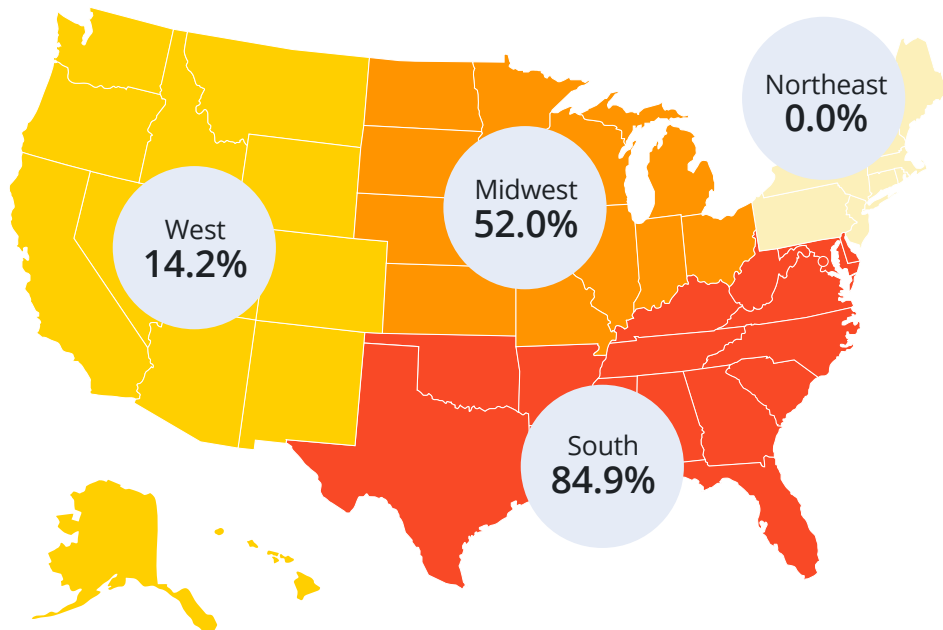
²⁴¹ Wisc. S.B. 1065, 2023-2024 Legislature, 2d Reg. Sess. (Wisc. 2024), would supplement Exec. Order 122, *Related the Agency Use of Funds for Services that are Harmful to Minors*, June 1, 2021, <https://evers.wi.gov/Documents/EO/EO122-Conversion%20Therapy.pdf>, and enshrine the conversion therapy ban in state statute. This bill failed at the close of the legislative session on March 12, 2024.

NATIONAL LANDSCAPE

The national landscape shows that states are sharply diverging in their policies about transgender youth.

An estimated 120,000 transgender youth—nearly half of all transgender youth in the U.S.—live in one of 27 states where at least one anti-transgender bill has been enacted, and 36,500 live in 12 states where all four types of anti-transgender bills have been enacted.

Transgender youth in specific regions of the country are more likely to live in a state with at least one of the four types of anti-transgender law. Approximately 85% of transgender youth in the South and 40% of transgender youth in the Midwest live in states with at least one anti-transgender law. Transgender youth in the Northeast are the least likely to live in a state where an anti-transgender law has been enacted.²⁴²

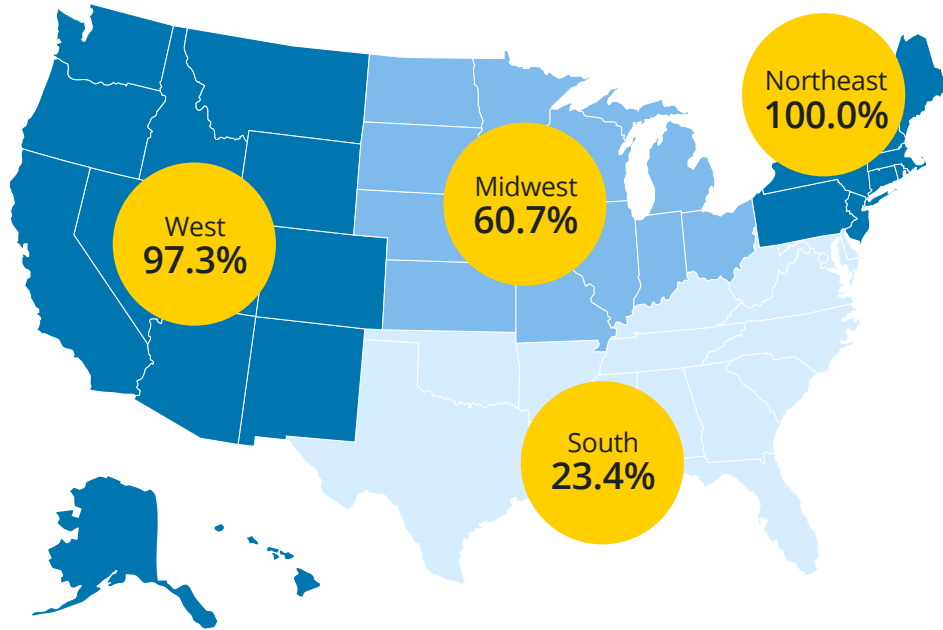


REGION	COUNT OF STATES	POPULATION AFFECTED	PERCENT OF TOTAL
Northeast	9	0	0.0%
South	13	86,700	84.9%
Midwest	8	21,900	40.3%
West	6	11,600	14.2%

An estimated 198,000 transgender youth ages 13-17 live in 27 states and D.C. that have either a “shield” law or a conversion therapy ban, and 146,700 transgender youth—half of all transgender youth in the U.S.—live in 14 states and D.C. that have both “shield” laws and conversion therapy bans.

²⁴² One state in the Northeast, New Hampshire, has passed a gender-affirming care ban (H.B. 619), a bathroom ban (H.B. 396) and a pronoun ban (S.B. 341) through one chamber of the legislature and each chamber has passed a ban on sports participation (H.B. 1205 and S.B. 375, respectively). Therefore, it is possible that New Hampshire will become the first state to enact one of the four types of anti-transgender laws that we measured. For further discussion of these bills, see discussion above.

All transgender youth in the Northeast live in a state where either a “shield” law or conversion therapy ban is in place (all states). Nearly all transgender youth in the West (97%) live in a state with one or both protective laws.



REGION	COUNT OF STATES	POPULATION AFFECTED	PERCENT OF TOTAL
Northeast	9	61,800	100.0%
South*	5	23,900	23.4%
Midwest	5	33,000	60.7%
West	9	79,300	97.3%

Note: *Includes D.C.

Four states that are home to 18,400 transgender youth have both protective and anti-transgender laws on the books. Notably, Arizona has both a “shield” law and conversion therapy ban but limits access to sports and prohibits gender-affirming surgery for youth. Three additional states (North Carolina, North Dakota, and Utah) have conversion therapy bans and have at least one type of anti-transgender law described in this report.

In total, an estimated 280,300 transgender youth ages 13 to 17 live in states that have passed or proposed laws banning access to care, participation in sports, use of bathrooms and other sex-separated facilities, or affirmation of gender through pronoun use, including 120,200 transgender youth where laws have been enacted and 160,100 additional transgender youth in states where at least one type of bill was introduced or pending in the 2024 legislative session. Ninety-three percent of trans youth ages 13-17 live in one of these states. Only 19,500 youth live in states and the District of Columbia (“D.C. ”) where none of these types of laws have been enacted, and no such law was introduced or pending in 2024.

CONCLUSION

A substantial number of laws impacting transgender youth were introduced or pending in the 2024 legislative session. An estimated 120,200 transgender youth ages 13-17 live in states that restrict their access to health care, sports, school bathrooms, or affirming gender pronouns, including 36,500 that live in states with all four types of restrictions. At the same time, 198,000 transgender youth ages 13-17 live in states with a law supporting access to gender-affirming care or banning conversion therapy, and 146,700 live in states with both types of protective laws. In addition, a smaller number of transgender youth, 18,400, live in states with complex policy environments—those that have at least one protective law and at least one of the four types of anti-transgender laws reviewed for this study. As this year’s state legislative sessions come to a close, this study finds that rights and protections for transgender youth and their families vary widely across the country.

METHODOLOGY

Relevant legislation, regulations, and executive orders were identified through a mixture of publicly available resources, including state legislature websites, searches of public Legiscan²⁴³ documents, and tracking by the American Civil Liberties Union, Alejandra Caraballo, and Erin Reed. Session start, end, and crossover dates were identified using free resources from MultiState²⁴⁴ and the National Conference of State Legislatures.²⁴⁵ Our legislative tracking was updated through April 15, 2024.

Estimates of the number of transgender youth ages 13-17 in each state come from the report *How Many Adults and Youth Identify as Transgender in the United States*.²⁴⁶ Estimates were rounded to the nearest 100th.

²⁴³ Welcome to Legiscan, Legiscan.com, <https://legiscan.com> (last visited April 11, 2024).

²⁴⁴ MULTISTATE, 2024 Legislative Session Dates, <https://www.multistate.us/resources/2024-legislative-session-dates> (last visited March 27, 2024).

²⁴⁵ NAT’L CONF. OF STATE LEGIS., 2024 State Legislative Session Calendar, <https://www.ncsl.org/about-state-legislatures/2024-state-legislative-session-calendar> (last visited March 27, 2024).

²⁴⁶ JODY L. HERMAN, ANDREW R. FLORES, TAYLOR N.T. BROWN, BIANCA D.M. WILSON, & KERITH J. CONRON, THE WILLIAMS INST., AGE OF INDIVIDUALS WHO IDENTIFY AS TRANSGENDER IN THE UNITED STATES (Jan. 2017), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Age-Trans-Individuals-Jan-2017.pdf>.

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