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# LGBTQ+ AMERICANS UNDER ATTACK: A REPORT AND REFLECTION ON THE 2023 STATE LEGISLATIVE SESSION

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*Last updated 6/8/23*

Dear Reader:

I'm not going to sugarcoat this: For the first time in HRC's nearly half-century history, we're declaring a national state of emergency for LGBTQ+ people in the United States.

During this legislative session, there have been over 525 state bills introduced that attack the LGBTQ+ community, and over 220 of those target the transgender community. As of presstime, more than 70 of those have become law. These laws are fueled by an **anti-LGBTQ+ Republican establishment** — and coordinated, well-funded extremist groups like the **Alliance Defending Freedom, Heritage Foundation** and the **Family Policy Alliance** — insistent on trying to control our families and lives.

Just look at what's playing out in Texas and Tennessee and Florida. These states are banning educators from talking about LGBTQ+ issues and teaching Black history, and are banning gender-affirming care and abortion care. These same states do nothing to ensure the freedom of children to be safe from gun violence, and do nothing to protect the freedom of democracy when Black and trans voices are silenced in state legislatures.

Or look at Governor **Ron DeSantis**, who has weaponized his position as a lawmaker to target LGBTQ+ families, Black and brown Floridians, immigrants and private businesses. Even with the majority of Floridians forcefully opposing his anti-LGBTQ laws and despite surging support for LGBTQ+ families nationally, DeSantis has been criss-crossing the country to attack our community. This report details the political attacks like those he's waged on our community that have transpired in statehouses across the country.

The good news is that for every Florida, there's a Michigan, which became the 22nd state to sign LGBTQ+ non-discrimination protections into law. And for every Texas, there's a Pennsylvania, where because of our partnership and work and advocacy, they are on the cusp of becoming the 23rd state to put LGBTQ+ non-discrimination protections on the books. And for every Tennessee, there's a Minnesota, where they banned so-called "conversion therapy" this year.

And for every villain, there are countless heroes fighting back even as our opponents threaten democracy to punish them. Heroes like Oklahoma State Rep. **Mauree Turner**, who opened their office as a place of safety for a transgender constituent — and stood strong in the face of retribution as they faced an unjust censure. Heroes like Nebraska State Sen. **Michaela Cavanaugh**, who made a conscious decision to undertake a historic filibuster when she saw that her colleagues were going to use that session to hurt, not to help. And State Rep. **Zoey Zephyr** of Montana, who spoke out against a bill to ban gender-affirming care and faced an undemocratic expulsion as a result. Reps. Justin Jones and Justin Pearson in Tennessee, who have been outspoken LGBTQ+ advocates, bravely fought against the plague of gun violence in our country and were also expelled by a radical state house majority.



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But we need more heroes: **we need you**. As individuals, you can get active in our neighborhood and community. Stand up and advocate in your statehouses and hold your lawmakers — at all levels of government — accountable for their votes. Join movement organizations like HRC and LGBTQ+ equality groups in your states. For businesses and fair-minded community leaders, practice allyship, not just perform it by speaking out against the hate-filled legislation and attacks and supporting the community. Help make sure everyone knows someone who is trans, by lifting up trans employees and leaders, and standing with them when the water gets hot. Engage your clients and constituents in this work — show them what it means to lead on LGBTQ+ rights.

Together, we will get to a world where we are free and liberated without exception — without anyone left behind.



Let's get to work, y'all.

**Kelley Robinson** (she/her)  
HRC President

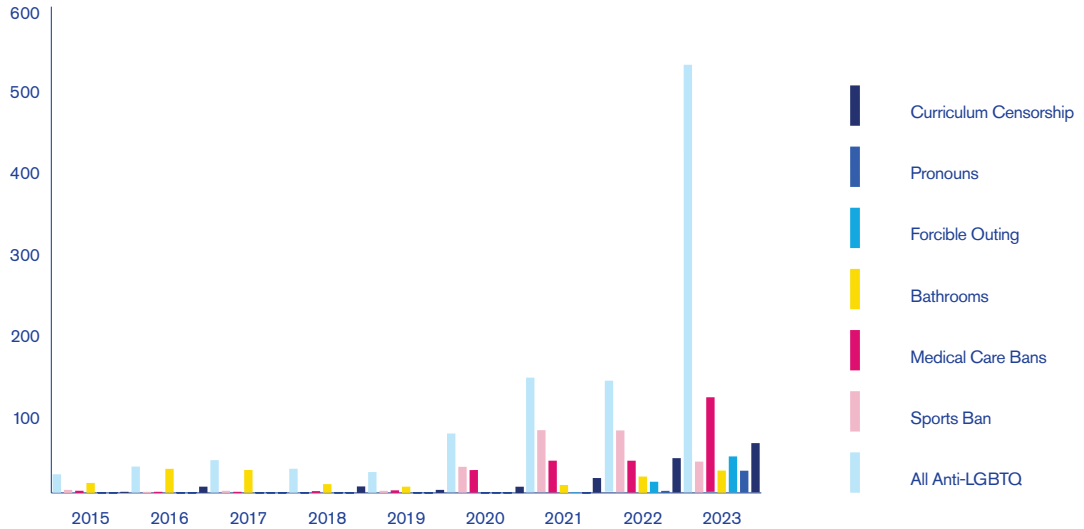


## Executive Summary

### + The LGBTQ+ community is under attack in state legislatures across the country.

- Starting in 2015, we have seen a steady increase in anti-LGBTQ+ bills across state houses, from 115 bills introduced in 2015, to over 500 in 2023.
- In 2020, the primary focus of these bills shifted from LGBTQ+ people in general, to transgender and non-binary youth in particular

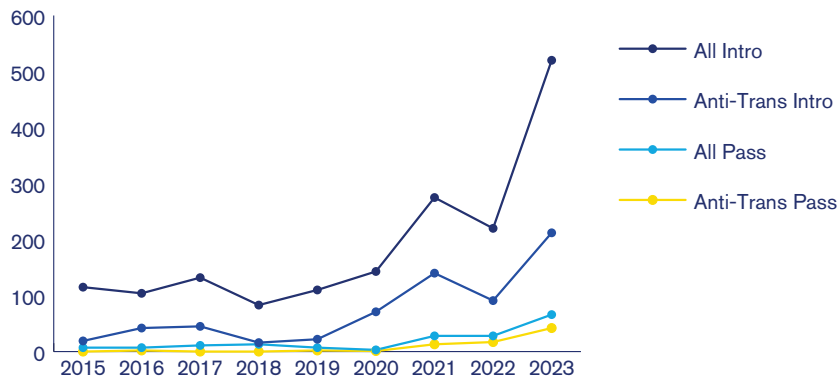
### Snapshot of Anti-LGBTQ+ Bills Introduced by Year



### + The 2023 state legislative session was the worst one on record for anti-LGBTQ+ legislation

- More than 525 bills were introduced in 41 states. Over 220 of these bills explicitly targeted transgender people
- A total of 77 bills have been signed into law as of June 8, 2023 — more than any year on record.

### Anti-LGBTQ+/Anti-Trans Bills Introduced and Passed



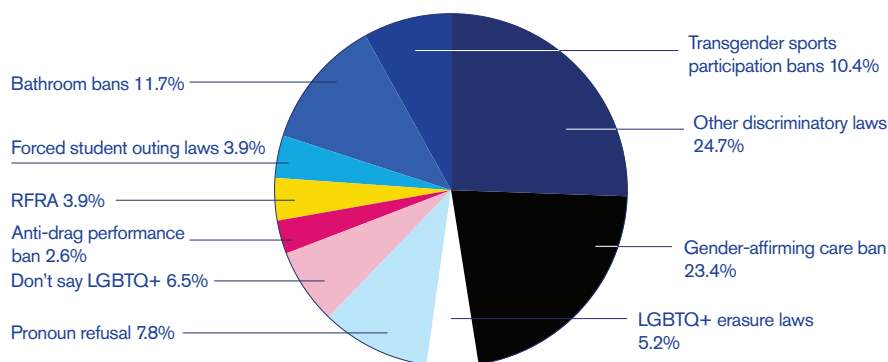


**+ These attacks — a retreat of vintage homophobic/transphobic campaigns of the past — are not reflective of emerging issues, but rather a coordinated, top-down moral panic, driven by a few well-funded and well-connected organizations.**

- The overwhelming volume of anti-LGBTQ+ legislation introduced in state legislatures across the country in 2023 was not a coincidence:
- Many individual bills rely on copy-and-pasted language from model legislation proposed by a national coalition of groups including the Heritage Foundation, Family Policy Alliance and Alliance Defending Freedom (ADF) who have been long-standing opponents of LGBTQ+ equality.
- In several states, passage of anti-LGBTQ+ legislation was aided through subverting the democratic process, violating democratic norms, and silencing pro-equality advocates.

**+ These bills aim to legislate LGBTQ+ people out of all aspects of daily life, through rolling back existing legal protections, reducing LGBTQ+ visibility, and attempts at reducing cultural and social acceptance of the LGBTQ+ community**

**Type of Bills Passed in 2023**



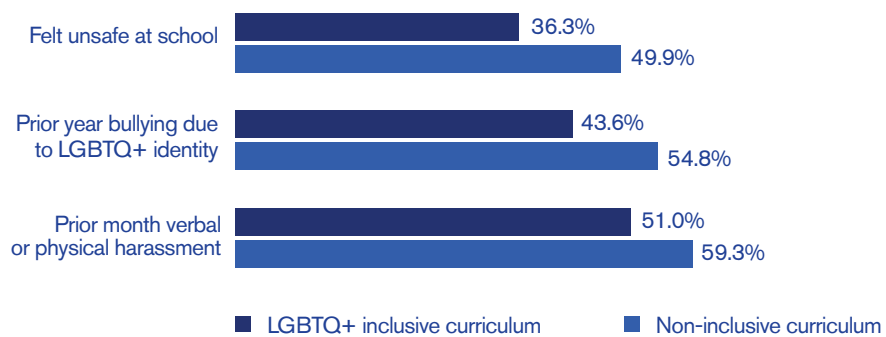
**+ Using original data from HRC surveys, and storytelling from LGBTQ+ parents and families across the United States, this report details the impact of anti-LGBTQ+ legislative attacks for the LGBTQ+ community – ranging from threats to mental health and safety, to some choosing to relocate themselves and their family to more inclusive policy environments.**

- For example, LGBTQ+ youth who attend schools with inclusive curriculum that discuss sexual orientation/gender identity (SOGI) feel safer, are safer, and do better in school – yet “Don't Say LGBTQ+” bills aim to eliminate or censor these very discussions



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## School bullying and harassment, by inclusive curriculum status





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## 2023: An Escalating Crisis for LGBTQ+ Equality in the States

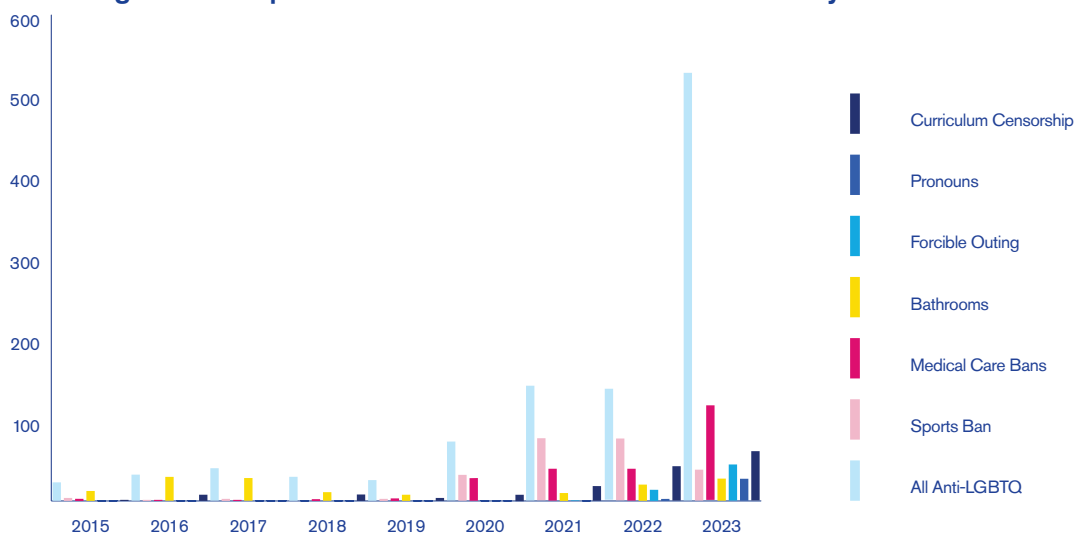
### VINTAGE HOMO- AND TRANS-PHOBIA UNDERPIN A NEW ERA OF CRUELTY IN THE FIGHT FOR LGBTQ+ EQUALITY IN THE STATES

2023 is shattering previous records for anti-LGBTQ+ legislation. Since 2015 — when the *Obergefell v. Hodges* marriage equality case was in front of the United States Supreme Court — gerrymandered state legislatures have introduced increasing numbers and types of legislation that would try to stymie continued gains in lived or legal equality for LGBTQ+ people. Because legislative districts have been drawn so unfairly, too many state legislators are not held accountable to their entire district in a general election. Instead, the most competitive elections these legislators face is in their primary election, which motivates them to focus their energy to please the furthest-right extreme elements within the Republican primary electorate. Despite public opinion overall supporting LGBTQ+ equality, these legislators come back time and time again to new and innovative ways to be cruel to LGBTQ+ folks.

### A NEW ERA IN THE FIGHT FOR LGBTQ+ EQUALITY IN THE STATES.

The volume of discriminatory legislation introduced in 2015 defined the beginning of a new era in the fight for LGBTQ+ equality in the states. Since 2015 the amount of legislation introduced has steadily increased, as have the numbers of discriminatory bills enacted. 115 discriminatory bills were filed across the country in 2015 — a record at the time. Starting in 2020, opponents of equality began leaning into what they saw as an area of potential opportunity — isolating transgender youth from the protection of the law, as well as from their parents, doctors, teachers, guidance counselors, classmates, coaches, and teammates as well as erasing them from the books they read and the history they learn. Efforts to attack transgender youth drove the increase in bills filed and enacted from 2020-2023, shattering previous records and harming tens of thousands of transgender young people in doing so.

Figure 1. Snapshot of Anti-LGBTQ+ Bills Introduced by Year



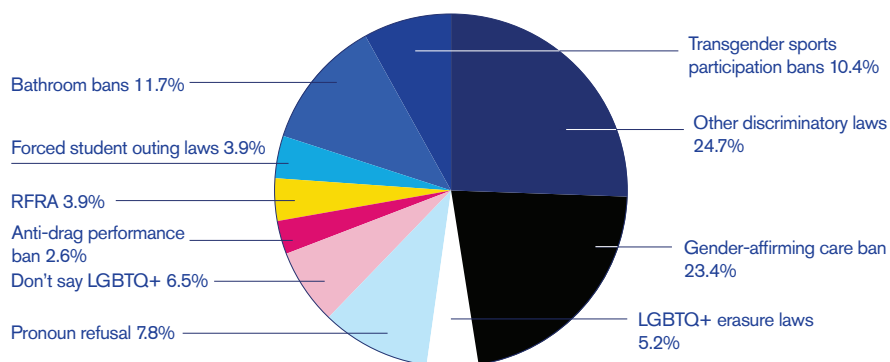
Of the laws enacted since 2015 that specifically target transgender people, 95% were enacted since 2020.

More than 1000 LGBTQ+ related bills have been filed in 2023, and HRC is opposing more than 525 bills in 41 states. As of June 8, 2023, a total of 77 have been enacted into law. More than 220 of the bills filed this year explicitly target transgender people.



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**Figure 2. Type of Bills Passed in 2023**



### **DUSTING OFF THE “SAVE OUR CHILDREN” MORAL PANIC PLAYBOOK.**

Proponents of the discriminatory legislation are the same organizations that have opposed LGBTQ+ equality in the United States for the last many decade — these groups include Family Policy Council (associated with Focus on the Family), the Heritage Foundation, and the SPLC-designated anti-LGBTQ hate group the Alliance Defending Freedom. Their top-down, coordinated effort includes other groups like the American Principles Project, and their efforts are anything but clandestine. Among other things, their coalition has a website that offers model language that has been used in state legislatures across the country.

These folks have one goal: eliminate cultural and legal acceptance of LGBTQ+ people. To do this, they have revitalized the vintage homophobia that Anita Bryant made famous in her “Save Our Children” crusade in Florida many decades ago. That is, they have so sexualized LGBTQ+ identity that they argue that even acknowledging that LGBTQ+ people exist — much less showing any affirmation of LGBTQ+ identity — is inherently inappropriate and corrupting for children. They also argue that discrimination against LGBTQ+ people that would otherwise be prohibited should be allowed for people who assert a religious disagreement with the existence or acceptance of LGBTQ+ people — even though those same situations would not allow them to discriminate against a divorcee or a person of another religion.

By framing the existence of LGBTQ+ people as inherently vulgar, and suggesting that some people should have the ability to refuse to comply with the laws that govern basic civility in our public square based on a belief that LGBTQ+ people cannot or should not exist, our opponents seek to impose their worldview — to which they are, of course, entitled — upon the rest of the country and the world. To do so, they’ve advocated for policy proposals in state legislatures designed to isolate, alienate, and terrify LGBTQ+ people — especially transgender youth. State legislators have been all too receptive to these proposals as a result of the extreme partisan gerrymandering in state legislatures across the country.

### **FROM MORAL PANIC TO STATE LAW.**

The proponents of the discriminatory legislation have weaponized their discriminatory ideology and distilled into discriminatory state law. Like any other kind of performance, the performance of drag can be tailored to suit many kinds of audiences — the show at the club on Saturday night will be a dramatically different set than the Sunday morning dramatic reading of a children’s book at the local public library. Proponents’ characterization of all drag performance as obscene is a result of a hyper-sexualization of LGBTQ+ identities. But this preoccupation



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with LGBTQ+ identity itself as obscene content is reflected in many policy proposals beyond drag. For example, the idea that the acknowledgement of the existence of LGBTQ+ people is inherently dangerous, combined with the efforts to isolate and alienate young folks from their sources of support, leads into policy proposals to ban books, censor curriculum (a la “Don’t Say LGBTQ+” laws), and forbid transgender youth from being able to safely use the restroom at school; it also feeds prohibitions that require teachers to misgender and deadname students and for school personnel to forcibly “out” children to their parents — even when that would put the young person in danger. It includes sports bans that prohibit transgender kids from playing sports alongside their friends. And it absolutely includes laws that prevent doctors and parents of transgender youth from being able to access age-appropriate, best practice healthcare for a child simply because the child is transgender.

All of these policy efforts serve the true purpose of the opponents of LGBTQ+ equality: limit public acceptance and support of LGBTQ+ people and reverse legal progress and protections. Religious refusal laws continue to pass, often quietly, creating major loopholes to important and assumed protections for LGBTQ+ people and others who do not subscribe to the same religious beliefs of the entity who wishes to discriminate. Several new laws this year seek to erase legal protections for LGBTQ+ people across the state code by adopting bioessentialist and exclusionary definitions of the word “sex”. These LGBTQ+ erasure laws can have major ramifications for protections for women, transgender people, and people who are lesbian, gay, bisexual or queer.

### **CELEBRATING THE GOOD AS WE ALSO FIGHT BACK AGAINST THE BAD.**

In the midst of the most damaging and discriminatory legislative session on record, there were important victories for the LGBTQ+ community too. In Michigan, the Elliot Larsen Civil Rights Act — the state’s powerful non-discrimination law — was amended to include express protections from discrimination on the basis of sexual orientation and gender identity. In Minnesota, a ban on the abusive and discredited practice of so-called “conversion therapy” was adopted. Other laws extending important protections to transgender people, including in health care, were also adopted — with more good legislation hopefully still to come this year. And, while every bad law enacted irreparably changes the course of real people’s lives for the worse, about 90% of anti-LGBTQ+ bills are on track to fail to become law — an impressive rate of defeat. The work continues.

## **Anti-democratic Actions and Coordinated Attacks**

Majorities of Americans, in every state and across every demographic, support LGBTQ+ *non*-discrimination measures. State legislators, however, have continued to increase the intensity of the anti-LGBTQ attacks in statehouses across the country. They have done so because of the increasing pressure to perform well in primaries dominated by a small group of hyperpartisan extremists, facilitated by well-funded anti-LGBTQ+ organizations who will pursue any path that reverses the pro-equality gains of recent decades — and the desperation to deliver to those audiences drove legislators around the country to flout the rules of the established democratic process.

### **ANTI-EQUALITY MEASURES PASSED WITH THE HELP OF ANTI-DEMOCRATIC MANEUVERS**

During this legislative session, in states across the country, anti-equality elected officials subverted the democratic process to pass discriminatory legislation. Their main goal in doing so was to avoid having to own the unpopularity of such measures and the protests of the LGBTQ+ community and its allies.





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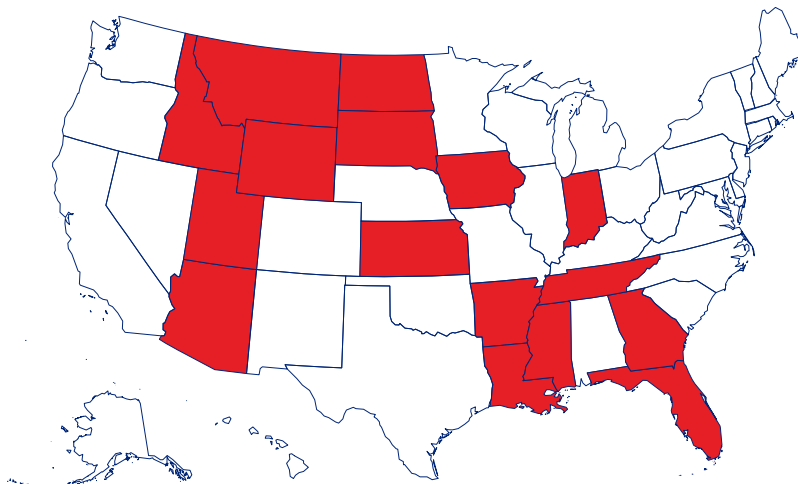
The ways that these officials violated democratic rules and norms to silence opposition included:

- ✦ The legislatures' censorship and removal of transgender legislators who spoke out against pending legislation, including State Rep. Zoey Zephyr in Montana and State Rep. Maurie Turner in Oklahoma;
- ✦ The expulsion of State Rep. Justin Jones and State Rep. Justin Pearson by the Tennessee House Speaker over their support for gun violence prevention laws and for their outspoken support for the LGBTQ+ community;
- ✦ Leadership changing procedural rules to pass bills in Kentucky in the final hours, fast-tracking legislation in Georgia, and ignoring procedural rules in Nebraska; and
- ✦ Preventing the public's right to be heard in legislatures around the country, including by removing peaceful demonstrators and violating their right to peacefully assemble in states including Texas, Oklahoma, Nebraska, and Montana.

In each of these states, supermajority Republican legislatures deployed these tactics to avoid or limit public discourse about the laws they were attempting to muscle through. The rise of these anti-democratic maneuvers poses a troubling warning for future legislative sessions. Furthermore, the lack of consequences for the politicians who violated democratic norms makes it likely that more leaders may employ such tactics in future years.

State legislatures are creatures of state constitutional law, with a complex working of formally adopted legislative rules intertwined with norms about civility, democracy, public input, and debate. These norms are generally vociferously defended — but this year they were bent past the breaking point in not only one legislature, but many.

### States Where Anti-LGBTQ+ Organizations Have Supported Discriminatory Legislation That Passed This Session



### ANTI- LGBTQ+ GROUPS LEADING THE ATTACK

The overwhelming volume of anti-LGBTQ+ legislation introduced in state legislatures across the country in 2023 was not a coincidence: rather, this legislation is part of a national coordinated attack by far-right entities. A coalition of groups including the Heritage Foundation, Family



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[Policy Alliance and Alliance Defending Freedom \(ADF\)](#)<sup>1</sup> drafted model legislation, recruited legislators to sponsor their policies, testified bills in committee hearings, and promised to pay for legal defense when the laws were inevitably challenged in court. These organizations use junk science and fear-mongering attacks against LGBTQ+ to peddle their policies, and try to justify discrimination in the name of religious belief.

Increasingly, these dark money groups have focused specifically on the transgender community as a legislative and political target. They support forced outing of LGBTQ+ kids, banning transgender youth from playing sports consistent with their gender identity, preventing transgender people (especially youth) from accessing best practice healthcare simply because they are transgender, discriminating in bathroom facilities, and various other legislation enshrining discrimination against transgender youth. While the Heritage Foundation, Family Policy Alliance and ADF are the leaders in this effort, they attracted like-minded allies in other far right organizations that [use transgender children to score political points](#).<sup>2</sup>

Throughout this legislative session, the following groups have crisscrossed the country to testify in support of hateful and discriminatory anti-LGBTQ bills:

- + American College of Pediatricians
- + American Principles Project
- + Gays Against Groomers
- + Independent Women's Forum
- + Moms for Liberty

Most states that passed anti-LGBTQ legislation in 2023 were influenced by these groups. In Texas, American Principles Project, who admitted their long-term goal was to [eliminate all transition care](#),<sup>3</sup> donated t-shirts in the state capitol to drum up support for their legislation. In Kentucky, a representative from the American College of Pediatricians, [a fringe group of roughly 700 doctors](#)<sup>4</sup> (also designated by the Southern Poverty Law Center as an anti-LGBTQ hate group), pushed junk science to justify a ban on best practice gender-affirming care, and in Florida, prominent detransitioner Chloe Cole lobbied with the Florida affiliate of the Family Policy Alliance to [push anti-LGBTQ+ and anti-abortion legislation](#).<sup>5</sup> A small group of adults who formerly identified as transgender were flown into state capitals across the country despite having no ties to the state; very often, these folks had not received the types of care that the bills even forbade.



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# IMPACT OF ANTI-LGBTQ+ LEGISLATION

Across the country, thousands of LGBTQ+ people — and thousands of transgender, non-binary, and gender non-conforming (TGNC+) youth in particular — have been directly impacted by anti-LGBTQ+ legislation, losing access to life saving medical care, comprehensive and inclusive education, and activities, spaces, and facilities. Below, we estimate the number of LGBTQ+ people living in states where such bills have passed — noting that, as the impact of many of these school-based bills extend into Kindergarten (yet our population estimates start at high school), or even outside of K-12 schools altogether, many more LGBTQ+ youth and young adults are likely directly impacted by the current legislative environment.

## Number of LGBTQ+ people impacted by legislative attacks

### Transgender sports participation bans – 23 states

- + **33.8%** of high school aged transgender youth — approximately **101,500** of the estimated 300,100 transgender youth aged 13-17<sup>6</sup> in the U.S. — are living in states where they are unable to simply play alongside their friends.

### Gender-affirming care bans – 20 states

- + **30.9%** of all transgender youth age 13-17<sup>7</sup> — an estimated **92,700 transgender youth** — are living in states where their access to life-saving, best practices gender affirming medical care<sup>8</sup> has been banned through bills and/or administrative action.

- This number includes the 7,800 transgender youth living in Alabama, Oklahoma, and Arkansas, where court injunctions against care bans are ensuring continued access to care.
- In some states, care has been banned not only for youth, but for young adults and adults (age 18+) as well, further increasing the number of transgender and non-binary people nationwide who have seen their access to healthcare blocked in this legislative session.

- + 32 states introduced gender affirming care bans during the 2023 legislative session, meaning that at its height, **half of all transgender youth** in the U.S. were at risk of losing access to gender-affirming care.

### Bathroom bans – 10 states

- + **15.1%** transgender people (age 13+) — **over 247,000** of the 1.6 million transgender people in the U.S. — live in states where they are unable to use bathrooms, locker rooms, and/or other facilities in accordance with their gender identity while in K-12 (public) school buildings, if not elsewhere. This includes:

- **11.1%** of all transgender youth age 13-17 (**33,200** transgender youth)
- **16.0%** of all transgender adults (age 18+) nationwide (**213,800** transgender adults)



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- + Over **110,000** transgender people (age 13+) live in Florida and North Dakota, states where they are also banned from using bathrooms and facilities in some public settings and buildings outside of K-12 schools

#### “Don’t Say LGBTQ+” laws – 6 states

- + **12.3%** of LGBTQ+ youth age 13-17 — over **273,600** of the more than 2.2 million LGBTQ+ high school aged youth<sup>9</sup>— are living in states where “Don’t Say LGBTQ+” bills have passed, banning discussions of sexual orientation/gender identity, and LGBTQ+ people, in classrooms. This includes:
  - **9.9%** of transgender youth age 13-17 (**29,600** transgender youth)
  - **12.7%** of cisgender LGBTQ+ youth age 13-17 (**244,000** LGBTQ+ youth)

#### Forced Student Outing laws – 6 states

- + **4.4%** TGNC+ youth age 13-17 — approximately **13,100** TGNC+ youth — live in states where forced outing bills have passed, requiring teachers, administrators, and other school staff to disclose to parents if youth adopt new chosen names and/or pronouns

#### “Pronoun refusal” laws – 6 states

- + **8.0%** TGNC+ youth age 13-17 — approximately **24,100** TGNC+ youth — live in states with school-based pronoun bans, which prohibit school teachers and staff from using a child’s chosen name and pronouns if they do not align with the child’s sex assigned at birth



## Mental health impact of anti-LGBTQ+ legislation

Anti-LGBTQ+ legislation can have significant and substantial impacts on the health, well-being, and safety of the LGBTQ+ community.

### INCREASED ANXIETY AS A RESULT OF LEGISLATIVE ATTACKS

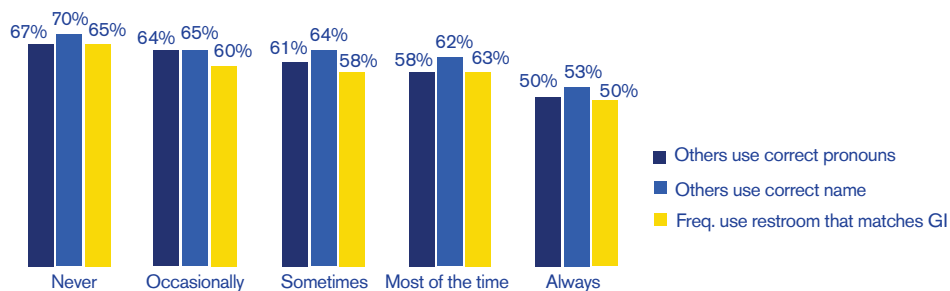
The passage of bills — and even simply their introduction — can be a substantial source of stress and anxiety for LGBTQ+ youth. For example, in 2021, when Texas first began ramping up their legislative attack against LGBTQ+ youth The Trevor Project's crisis hotline saw a 150% growth<sup>10</sup> in calls from youth in Texas, compared with the same period the year prior. Between 2013 and 2019, calls to the Crisis Text Line, a hotline focused on support for LGBTQ+ youth, saw a small, but significant, increase in calls from states where anti-LGBTQ+ legislation was introduced<sup>11</sup>, with spikes occurring in the four weeks after legislation was initially introduced. In their survey of LGBTQ+ youth conducted in 2022 — before the latest onslaught of legislative attacks — The Trevor Project found that 2 in 3 LGBTQ+ young people<sup>12</sup> reported their mental health was a lot worse as a result of “hearing about potential state or local laws banning people from discussing LGBTQ people at school,” whereas 1 in 3 said their mental health was poor most or all of the time, as a result of anti-LGBTQ+ legislation.

These bills also strip away access to many of the supportive actions and resources that are both protective against the adverse mental health impacts of stigma, harassment, and discrimination, and which actively help LGBTQ+ youth feel safe, affirmed, and welcomed.

### BLOCKED ACCESS TO SUPPORTIVE RESOURCES

Prior research has found that having one's pronouns affirmed by a single additional adult<sup>13</sup> and/or a single additional context where one can use their chosen name<sup>14</sup>, is associated with lower risk of depression and suicidality among transgender and non-binary youth. Data from HRC and the University of Connecticut's 2022 LGBTQ+ Youth Survey<sup>15</sup> shows that, prior to this legislative session, TGNC+ youth who had their pronouns and chosen name used more frequently in schools, and who were able to use the restroom in accordance with their gender identity more often, were significantly less likely to be depressed (see Figure 3).<sup>16</sup>

**Figure 3. Depression among TGNC+ youth, frequency of gender affirmation at school**

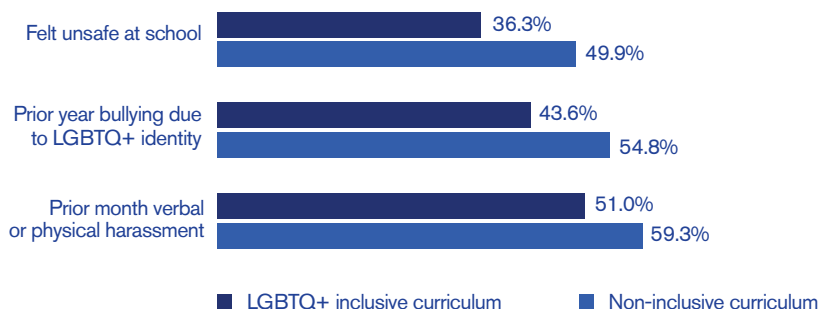




Yet, rather than supporting trans youth, state legislators in multiple states have passed bills which block TGNC+ youth from using restrooms/school facilities that match their gender identity (10 states), allow educators to refuse to affirm trans youths' pronouns and names and/or bans staff from referring to youth with chosen name and pronoun if it does not match their sex assigned at birth (6 states), and/or requires educators to out TGNC+ youth to their parents (6 states), essentially forcing TGNC+ youth back into the closet while at school, and further increasing risk for depression and suicidality in an already vulnerable population.

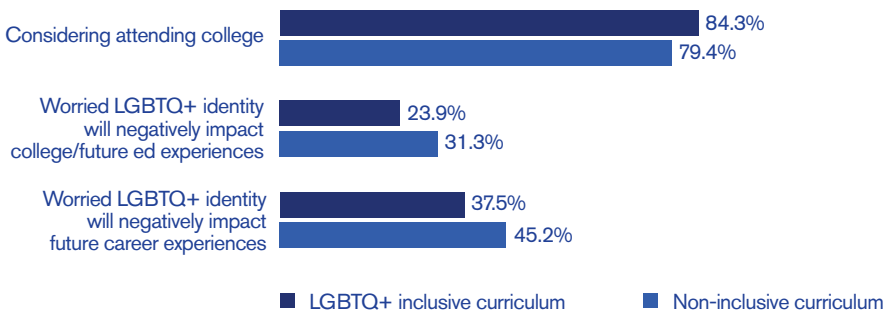
Other research has found that LGBTQ+ youth who attend schools with inclusive curricula, such as including discussions of sexual orientation and gender identity in health education, reading LGBTQ+ authors or stories in English classes, and/or teaching about LGBTQ+ people/movements in history, feel safer, are safer, and do better in school.<sup>17</sup> Data from HRC's 2022 Youth Study bares this out, with LGBTQ+ youth who attended schools with inclusive curriculum less likely (than those who did not) to feel unsafe at school or experience school-based bullying or harassment (Figure 4);<sup>18</sup> those who attended schools with inclusive curricula were also more likely to consider going to college, and were less afraid that their LGBTQ+ identity would negatively impact their future educational or employment opportunities (Figure 5).

**Figure 4. School bullying and harassment, by inclusive curriculum status**



Yet since this survey was conducted, 6 states have passed or expanded “Don’t Say LGBTQ+” bills which censor discussions of sexual orientation and gender identity in classrooms—increasing risk of stigmatization and harassment for LGBTQ+ youth, while denying them access to supportive and affirming education.

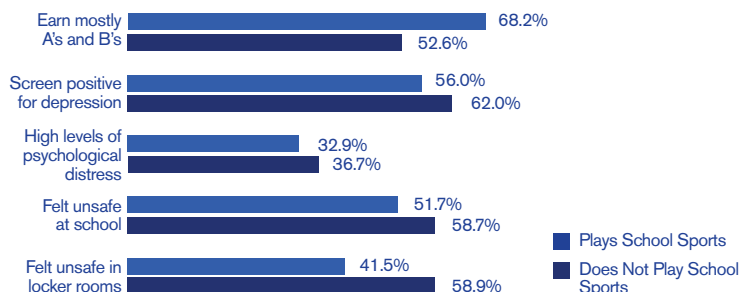
**Figure 5. Future education and employment aspirations, by inclusive curriculum status**





Similarly, there are multiple known benefits of sports participation, including lower levels of anxiety and depression,<sup>19</sup> higher levels of self-esteem,<sup>20</sup> and better academic performance.<sup>21</sup> Yet in the 23 states where transgender youth are banned from playing sports in accordance with their gender identity, transgender youth are denied access to these benefits as well.<sup>22</sup>

**Figure 6. Mental health and school experiences of Transgender and Non-Binary Youth, by student athlete status**



### NEED TO RELOCATE OR FLEE TO SAFER AND MORE INCLUSIVE LOCATIONS

The introduction and/or passage of anti-LGBTQ+ legislation can also lead LGBTQ+ people and their families to feel unsafe and unwelcome in their hometowns, and even, in some cases, to consider leaving altogether. In a Williams Institute survey<sup>23</sup> of 113 LGBTQ+ adults raising kids in Florida, conducted in September 2022, three months after Florida passed their initial “Don’t Say LGBTQ+” bill, over half (56%) reported they were considering moving out of Florida, and more than 1 in 6 (17%) had taken steps to do so.

In a survey of parents of TGNC+ youth (age 18 and younger) conducted by the Human Rights Campaign/University of Arizona conducted in 2022, parents — including many of those living in states where anti-LGBTQ+ legislation went on to pass in 2023 — discussed considering, or potentially even being forced to, move out of their state were legislation to pass. As one parent of a 14-year-old transgender boy in Louisiana noted:

**“ Our son is our only child. We have little family support. ...We are afraid of his future living in the South and are considering moving elsewhere after he completes high school for better support of transgender individuals.**

But even parents who live in more progressive states expressed concerns about growing anti-transgender /anti-LGBTQ+ sentiment and legislation, describing an almost constant state of fear and anxiety. Concerns were not just limited to fears that legislation would pass in their own states, but also included spillover psychological impacts of legislation, and how their child could internalize it. As one parent of a 5-year-old non-binary child in Massachusetts described it,

**“ Every anti-trans message, particularly anti-trans girls in sports message, hits close to home and makes me scared for their future. Will they be physically or emotionally harmed? Will society's lack of acceptance of their identity make them a target of hate crimes? What will acceptance look like as they grow up, go through puberty? Will they be able to play the sports they want safely? Will they be able to be themselves all the time? They already make others more comfortable than themselves when they feel social pressure to allow others to misgender them without correction. It is exhausting to constantly correct people and teach them what nonbinary means — especially when you're a 5 year old who'd already thought more about gender than most adults!**



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As the 2023 legislative session drew to a close, HRC spoke to several parents and families in states where legislation did pass, and many described similar feelings of wanting or needing to flee — or, deciding to stay and fight:

## Personal Narratives About the Impact of Anti-LGBTQ+ Legislation

*Below are the stories of families impacted by anti-LGBTQ+ legislation in Missouri, Florida, and Texas.*

### MISSOURI

Debi's non-binary teen can still access healthcare because of the legacy provision, however, the family is still leaving their home in Kansas City, Missouri. "We have been testifying against anti-trans bills for 8 years...more than half of my child's life. Yes, they can continue receiving physical healthcare for now, but the continued attacks on their very existence have taken a toll on their mental health," she said. The decision to leave isn't easy, though, and leads to conflicting emotions. "A few years ago, a GOP Representative told us that if we didn't like what they were doing and if we were good parents, we'd take our child and go. I hate feeling like we are giving in or giving them what they want. But I also have to prioritize my child's well-being over my stubborn need to make those representatives look us in the eye and openly proclaim their bigotry every session."

On the other side of the state, another family also started packing. Danielle and her husband have driven to Jefferson City to testify against bills for the last few years in support of their son. She told legislators several times that they are suburban farmers with thriving businesses and they want to continue contributing to Missouri's economy. To protect their child, though, they would give all of that up and start over somewhere new.

As they started sorting through their belongings, deciding what to keep and what to sell or donate for a move, Danielle's mother started a battery of tests for Alzheimer's and her father was diagnosed with cancer. Her son is "extremely close" with his grandpa and couldn't bear the idea of not being by his side through his upcoming treatment. She is angry at the decisions the state is forcing her to make, saying that "it's unfair that Missouri is making us choose between doing what two different generations of my family need to survive."

For now, they will be staying. "We've established an entire supportive community and shouldn't have to leave where our son is thriving. He's happy, has a perfect first job, and has an adorable girlfriend. I shouldn't have to consider taking him away from everyone who loves him, especially when other family members need us, to get him healthcare." Her son is willingly putting his own future on hold in the hope that his supportive grandfather will have a longer future because of his support. That is loving, heartbreaking, and unfair. That is the impact of laws that legislators will never see.

### FLORIDA

Julie and Theresa are a married couple in central Florida who have just welcomed their first child. They are now leaving due to fear about how all of these laws will impact their family. Julie is an elementary school teacher who worries about losing her job as an out lesbian educator or potentially facing violence if confronted in a restroom. "I don't look particularly femme. That's never been a problem before, and wearing more masculine clothes at work has actually





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been nice because I don't have to worry about ruining them when I get on the floor to play with my students," she jokes. "But now I'm nervous. It's one thing to not be able to talk about my wife, but what if someone tries to get physical thinking I'm a guy in the wrong bathroom? I have a family to think about. And how could I ever look into the eyes of one of my kids and not call them the pronoun that I know they need to hear? It would tear me apart to hurt them so much."

Theresa would find her job just as difficult. As a nurse, she knows how frightening it can be for a trans person to go to the hospital, wondering if they will be disrespected or even turned away for care. "There aren't laws saying I can't take care of my trans patients anymore, but this is Florida, so it's probably just a matter of time. I do worry that because hate and bigotry are being openly promoted and celebrated that I could still lose my job for showing basic kindness and being an ally to trans people."

The couple are now both applying for jobs in every state that is considered "blue" and are hopeful they will find work because of teaching and nursing shortages in so many areas. But they are also concerned that offers will come from different states, potentially splitting up the family they are trying so hard to keep safely together.

By contrast, Lou knows that her transgender teenager is facing certain difficulties, but her family is not ready to leave the state. Her child, M, just completed their junior year in a public high school. For the past three years, M has used the restroom and locker room that aligns with their gender and gender expression, but with the passage of HB 1521, school officials notified the family that M will have access to only one unisex restroom on the high school campus. They have already lost access to participate in sports, now will be restricted on where they can relieve themselves, and the GSA at the school is likely disbanding because of the Don't Say Gay law. M is hoping to complete their senior year online to avoid campus altogether. "What reason is there even to go to school?" they ask.

M's mom has the answer: college. "Our student's future beyond high school — and our family's finances — are hugely impacted by the passing of these draconian laws. Our rising senior has a GPA and SAT scores that would qualify them for any public university in Florida, and the state-funded Bright Futures Scholarship program would likely cover most, if not all, of the cost of their college education. But they aren't safe in Florida, so we are looking at out-of-state opportunities that could cost hundreds of thousands of dollars."

She ends with a note of optimism, saying, "Our child is strong, resilient, creative, and beautiful. I know their future is bright...as soon as we can get them out of this godforsaken state."

## TEXAS

This year SB 14, a bill that bans medically necessary, age-appropriate, life-saving gender-affirming healthcare, was passed. [It now sits on the Governor's desk to be officially signed into law.] In a twisted irony, an amendment was added to the bill to create an exemption for youth already receiving hormonal treatment, but the amendment had cruel restrictions. Only youth who had received at least 12 mental health counseling sessions or six months of psychological therapy and had started hormone therapy before June 1st were eligible. However, they were not eligible to continue that care indefinitely. They were eligible to be "weaned" off the care rather than to have it taken away immediately.

The draconian nature of SB 14 has driven some families to make the decision to flee the state. One of those families is from Houston, where they have had some struggles with individual teachers in their transgender child's school but where they also had access to high-quality



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healthcare at Texas Children's Hospital. Unfortunately, with the new ban on gender-affirming healthcare coupled with a privacy breach of medical records from the hospital's gender clinic leaked to conservative media outlets, they no longer feel safe. They are now considering moving to the Washington DC area or Colorado.

Another family has taken even more drastic steps to find a sense of peace and safety. Lauren Rodriguez and her son Greyson are leaving the United States completely. Lauren sold their home and has been paring down and packing up a lifetime of memories into a few boxes for a planned move to New Zealand. Greyson has already moved there to start his college education. He says that he felt an immediate sense of relief and lightness on his shoulders upon stepping off the plane — completely alone in a new country — because he knew that transgender people are welcomed and protected there. “I feel just so much better, happier, safer. I didn't realize how uncomfortable I felt in Texas until I got here.”

There are families who are staying behind, either because of the support within their local community or because of a lack of means to move. Within this group, there are still those who are hoping to move to one of the relatively liberal bubbles where elected officials have indicated their cities will be as much of a sanctuary as is possible given statewide laws. Megan L. is part of this second group. Her family lives about 45 minutes outside of Austin, where her husband works. The family cannot afford a move out of Texas, but they are hoping to sell their home and make enough of a profit to afford a smaller home within the city where there is a supportive school district and to put some money into a savings account for future trips out-of-state for gender-affirming healthcare.

“I'm a Texan through and through. I really love this state. We've talked about leaving, but it could take a long time for my husband to find a new job in a safe state...and those states are so expensive. I hope a fresh start in a new school where no one knows my daughter is trans will be enough to keep her safe. We'll figure out getting to doctors somewhere else when the time comes,” Megan said. “We might be making a big mistake staying here. All I can do right now is pray.”



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<sup>1</sup>Promise to America's Children. (2023, January). About Us. Retrieved June 2, 2023, from <https://promisetoamericaschildren.org/about-us/>

<sup>2</sup>Nagourney, A., & Peters, J. W. (2023, April 17). How a Campaign Against Transgender Rights Mobilized Conservatives. The New York Times. <https://www.nytimes.com/2023/04/16/us/politics/transgender-conservative-campaign.html>

<sup>3</sup>Astor, M. (2023, January 30). G.O.P. State Lawmakers Push a Growing Wave of Anti-Transgender Bills. *The New York Times*. <https://www.nytimes.com/2023/01/25/us/politics/transgender-laws-republicans.html>

<sup>4</sup>Mehrotra, D., & Cameron, D. (2023, May 2). *An anti-trans doctor group leaked 10,000 confidential files*. Wired. Retrieved June 2, 2023, from <https://www.wired.com/story/american-college-pediatricians-google-drive-leak/>

<sup>5</sup>Kim Kendall (@KimKend24) on Twitter, March 28, 2023  
<https://twitter.com/KimKend24/status/1640732147148374016>

<sup>6</sup>Herman, J. L., Flores, A. R., & O'Neill, K. K. (2022, June). *How Many Adults and Youth Identify as Transgender in the United States?* Williams Institute. Retrieved June 2, 2023, from <https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/>

<sup>7</sup>Estimates of the number of transgender people impacted by legislation are modeled after estimates run by The Williams Institute (e.g. Elana Redfield, Kerith J. Conron, Will Tentindo, & Erica Browning, The Williams Institute, Prohibiting Gender-Affirming Medical Care for Youth (March 2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Youth-Health-Bans-Mar-2023.pdf>).

To derive these counts, we tallied Williams Institute estimates of the total number of transgender youth and adults, and of the number of LGBTQ+ youth and adults, living in states **where legislation has passed, as an estimate of the number of people 'at risk' of being impacted by such legislation** (meaning, for example, this reflects the total number of transgender youth who are in states where gender affirming care is no longer accessible, not the number of transgender youth currently receiving care).

As Williams Institute estimates of the LGBTQ+ adult and youth population are derived from 2015 and 2017 data, and the percentage of adults and youth in the United States openly identifying as LGBTQ+ has steadily increased since then, it is likely that these estimates are an undercount.

<sup>8</sup>Human Rights Campaign. (2023, March 22). *Get the Facts on Gender-Affirming Care*. Human Rights Campaign. Retrieved June, 2023, from <https://www.hrc.org/resources/get-the-facts-on-gender-affirming-care>

<sup>9</sup>Estimates of the number of LGBTQ+ youth in each state are derived from summing Williams Institute estimates of the number of transgender youth, with estimates of the number of cisgender LGBTQ+ youth, to derive a total

<sup>10</sup>Weaver, J. (2021, September 27). *New Data Illuminates Mental Health Concerns Among Texas' Transgender Youth Amid Record Number of Anti-Trans Bills*. The Trevor Project. Retrieved June 2, 2023, from <https://www.thetrevorproject.org/blog/new-data-illuminates-mental-health-concerns-among-texas-transgender-youth-amid-record-number-of-anti-trans-bills/>

<sup>11</sup>Parris, D., Fulks, E., & Kelley, C. (2021, July 6). *Anti-LGBTQ Policy Proposals Can Harm Youth Mental Health*. Child Trends. Retrieved June 2, 2023, from <https://www.childtrends.org/publications/anti-lgbtq-policy-proposals-can-harm-youth-mental-health>

<sup>12</sup>The Trevor Project. (2023). *2023 U.S. National Survey on the Mental Health of LGBTQ Young People*. The Trevor Project. Retrieved June 2, 2023, from <https://www.thetrevorproject.org/survey-2023/#anti-lgbtq-policies>

<sup>13</sup>The Trevor Project. (2021). *The Trevor Project National Survey on LGBTQ Youth Mental Health 2021*. The Trevor Project. Retrieved June 2, 2023, from <https://www.thetrevorproject.org/survey-2021/?section=FindingSupport>



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<sup>14</sup>Russell, S. T., Pollit, A. M., & Grossman, A. H. (2018, October). Chosen Name Use is Linked to Reduced Depressive Symptoms, Suicidal Ideation and Behavior among Transgender Youth. *Journal of Adolescent Health*, 63(4), 503-505. 10.1016/j.jadohealth.2018.02.003

<sup>15</sup>Data comes from approximately 13,000 LGBTQ+ youth (age 13-18) in all 50 U.S. States, plus Washington, DC, surveyed as part of the 2022 LGBTQ+ Youth Study, conducted by HRC/University of Connecticut. Data was collected between January 31, and October 23, 2022.

<sup>16</sup>Depression is based on the PHQ-2, a 2-question screening tool which assesses frequency, over prior two weeks, of being "bothered by the following problems:" "little interest or pleasure in doing things" AND "feeling down, depressed, or hopeless" Those who score above a specified threshold are considered to have screened positive for depression.

<sup>17</sup>GLSEN. (2022, October). *The 2021 National School Climate Survey*. <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf>

<sup>18</sup>**Inclusive curriculum** defined as receiving either LGBTQ-inclusive sex education and/or history ("Have any of your history classes ever had a lesson, unit, or chapter on LGBTQ+ history?")

Feeling unsafe defined as reporting "never" or "rarely" (vs. "sometimes", "usually", or "always") feeling safe in at least one of the following settings "while at school":classrooms; bathrooms; locker rooms; hallways and stairwells; school library; cafeteria; school grounds; getting to /from school; and/or on the school bus;

**Prior year bullying due to LGBTQ+ identity**, defined as being bullied at school "sometimes", "often", or "very often" due to their sexual orientation, gender/gender identity, and/or gender expression, in the 12 months prior to the survey

**Prior month harassment** defined as reporting that other students "called me names", "made fun of me", "picked on me," and/or "hit/pushed me" at school at least once in the 30 days prior to the survey

<sup>19</sup>Panza, M. J., Graupensperger, S., Agans, J. P., Dore, I., Vella, S. A., & Evans, M. B. (2020, May). Adolescent Sport Participation and Symptoms of Anxiety and Depression: A Systematic Review and Meta-Analysis. *Journal of Sports and Exercise Psychology*. <https://doi.org/10.1123/jsep.2019-0235>

<sup>20</sup>Zuckerman, S. L., Tang, A. R., Richard, K. E., Grisham, C. J., Kuhn, A. W., Bonfield, C. M., & Yengo-Kahn, A. M. (2021, September). The behavioral, psychological, and social impacts of team sports: a systematic review and meta-analysis. *The Physician and Sports Medicine*, 39(3), 246-261. 10.1080/00913847.2020.1850152

<sup>21</sup>Rankin, S., Merson, D., Garvey, J. C., Sorgen, C. H., Menon, I., Loya, K., & Oseguera, L. (2016). The Influence of Climate on the Academic and Athletic Success of Student-Athletes: Results from a Multi-Institutional National Study. *The Journal of Higher Education*, 87(5), 701-730. <https://doi.org/10.1080/00221546.2016.11777419>

<sup>22</sup>Goldberg, S. K. (2021, February 8). *Fair Play: The Importance of Sports Participation for Transgender Youth*. Center for American Progress. Retrieved June 2, 2023, from <https://www.americanprogress.org/article/fair-play/>

<sup>23</sup>Goldberg, A. E. (2023, January). *Impact of HB 1557 (Florida's Don't Say Gay Bill) on LGBTQ+ Parents in Florida*. Williams Institute. Retrieved June 2, 2023, from <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Dont-Say-Gay-Impact-Jan-2023.pdf>



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