

 DATA FOR *PROGRESS*

# Holding Corporations Accountable: The Assault on LGBTQ+ Youth

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# Introduction

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In recent years, the LGBTQ+ community has grown at a previously unimaginable rate. Led by Gen Z, more members of the public are comfortable openly identifying as LGBTQ+ than ever before, with the rate doubling to 7.1 percent from 2012 to 2022. Among Gen Zers who have reached adulthood, 21 percent identify as LGBTQ+.

Along with this increasing visibility has come a backlash that is putting the LGBTQ+ community and its allies at risk. Extremist right-wing activists have emboldened politicians to introduce over 300 anti-LGBTQ+ bills across 36 states in 2022 alone. Eight states have implemented more than a dozen such policies.

Among the most dangerous proposals are those that target LGBTQ+ youth. Studies indicate that the vast majority of these young people experience harassment because of their identity, and that they suffer from dangerous levels of depression and suicidality as a result. A recent CDC study found that nearly half of all LGBTQ+ teenagers seriously considered suicide in the first half of 2021. One in four made an attempt.

Decades of activism and research have produced interventions proven to help these marginalized young people cope with the challenges associated with their identities. Instruction in LGBTQ+ topics reduces the risk of suicide among LGBTQ+ youth. So does participation in student activities like sports and Gay Straight Alliance (GSA) peer groups, and access to gender-affirming healthcare. Yet the current wave of anti-LGBTQ+ policies would undermine access to these suicide prevention measures, and studies indicate that American youth will die as a result of such legislation.

The most prominent of these attacks has been a series of bills, commonly referred to as “Don’t Say Gay,” that prohibit discussion of LGBTQ+ issues in schools. These laws allow parents to sue school districts for any mention of material that is not “age-appropriate” — a standard so vague that it is likely to chill virtually all mention of LGBTQ+ issues in many schools.

While the audacity and cruelty of the Don’t Say Gay bills have rightfully drawn the attention of the public and the media, this focus on lesbian, gay, and bisexual rights has obscured a wave of policies cutting off access to gender-affirming medical treatments for transgender youth that poses an even more dire threat. These more widespread and successful attacks have put one in three trans youth at risk of losing access to care, and most major medical associations have repudiated these policies for cutting children off from medically necessary care.

This political assault on the LGBTQ+ community has been accompanied by a surge in inflammatory anti-LGBTQ+ rhetoric and disinformation. Political leaders on the right have adopted the bigoted and inflammatory language of “grooming” and “child abuse” from extremist voices on the internet, fueling record levels of harassment and violence against the LGBTQ+ community. They have also misrepresented the medical treatment provided to LGBTQ+ minors, fueling unfounded fears that droves of children are undergoing invasive surgeries.

Allies of the LGBTQ+ community must offer a strong counterpunch to these attacks, both by overturning and preventing the passage of the policies themselves, and by condemning the bigotry that animates them in the strongest possible terms. The assault on LGBTQ+ people has intensified rapidly over the past several years, and is likely to grow more dangerous still if its perpetrators are not held accountable.

To aid in the fight against this wave of anti-LGBTQ+ hate, Data for Progress has compiled a set of polling, policy, and data visualization resources to inform activists, corporate employees, and policymakers of the many tools available to them in our collective fight to protect the LGBTQ+ community from bigotry.

This policy memo focuses on bills, executive actions, and other state policies that seek to

1. silence discussion of LGBTQ+ identities in schools, and
2. restrict access to gender-affirming healthcare.

In order to understand the full extent of the damage that these hateful policies wreak upon the LGBTQ+ community, it's crucial to take a look at the conditions contributing to their rise.

## The Present Resurgence of LGBTQ+ Hate

The current wave of anti-LGBTQ+ policies arose from an increasingly extreme and mobilized faction of conservatives on the internet. Far-right activists have taken to calling adults who support children's diverse experiences of gender and sexuality “groomers,” “child abusers,” and even practitioners of “genital mutilation.” These terms, which are being promoted as effective messaging by influential right-wing activists, are deeply offensive and painful to the LGBTQ+ community, perpetuating the decades-old alarmist lie that LGBTQ+ people recruit youth in order to prey on them sexually.

The newfound enthusiasm for this offensive rhetoric among mainstream Republican political leaders is cause for alarm. The press secretary for Florida Governor Ron DeSantis posted on Twitter that opponents of the Republican-backed Don't Say Gay bill were “groomers.” The governor and attorney general of Texas used their official authority to equate gender-affirming healthcare with child abuse. Anti-LGBTQ+ policies appear in Senator Rick Scott's domestic policy agenda for the national Republican Party.

These attacks reflect a growing political trend of stoking hatred of LGBTQ+ people in order to gain political power. This rhetoric has been effectively harnessed by far-right politicians like Rep. Marjorie Taylor Greene to gain electoral success and influence in the Republican Party. DeSantis and Texas Gov. Greg Abbott, the champions of the most high-profile attacks on LGBTQ+ rights this year, appear to be pursuing them partly to bolster their likely bids for president in 2024. DeSantis was so committed to the strategy that he led the state legislature to revoke Disney's special tax and governing privileges to defend it, a retaliatory attack that managed to both violate the company's First Amendment rights and risk raising taxes on Central Florida residents.

Some prominent Republicans have firmly opposed these anti-LGBTQ+ bills, including several governors who vetoed bills passed by their legislatures. But support for the policies is very strong among right-wing activists, and some legislatures have successfully voted to override those vetoes. The fact that this



support is strong enough to overcome opposition from party leaders — not to mention the Republican Party’s purported commitment to the First Amendment and lowering taxes — is a worrying sign for the future of LGBTQ+ rights.

These attacks on LGBTQ+ people have rapidly become more successful and extreme in recent years. After more than a decade of progress on LGBTQ+ rights, from 2015 to 2016 legislators introduced a wave of bills to prohibit transgender people from using the bathroom of their choice. That wave of legislation failed in every state except North Carolina, where it was later partially repealed.

Since that time, right-wing majorities in state legislatures have brought on a new wave of anti-LGBTQ+ legislation. This year alone:

- Five states (Arizona, Iowa, Kentucky, Oklahoma, and Utah) banned trans youth in sports from aligning with their chosen gender, bringing the total to 15;
- Four states (Alabama, Arizona, Florida, and Texas) have passed policies criminalizing or restricting access to gender-affirming treatment, joining Arkansas and Tennessee, which passed such a ban in 2021; and
- Two states (Alabama and Florida) have passed versions of Don’t Say Gay, silencing discussion of sexuality for tens of thousands of students.

These attacks have already created a worrying pattern of increasing momentum. First, right-wing activists persuade their allies in government to introduce and support these bills. The bills then generate controversy among the public, energize the right-wing base, and activate members of the conservative coalition that aren’t reached by other, more conventional types of messaging (e.g., cutting taxes). Seeing the energy generated by these bills, more politicians begin championing more extreme versions of the bills to compete for support from this newly engaged base. The faction supporting these attacks then grows in influence and the attacks move from further from the fringe and closer to the core of the right’s governing agenda.

If this cycle is allowed to continue, these attacks are likely to become even more sophisticated and brutal. That prospect is especially worrying when the decades-long trend of increasing conservative slant in the U.S. judicial system is taken into account. Leaders of the conservative legal movement have already indicated they are working on overturning marriage equality and other fundamental LGBTQ+ rights.

The leaked draft of the Supreme Court’s majority decision on *Dobbs v. Jackson Women’s Health Organization* directly attacks the legal doctrine that is fundamental to both the right of sexual autonomy, which protects LGBTQ+ people from sodomy laws, and the right to marriage equality. Before the Supreme Court’s landmark ruling in *Lawrence v. Texas* in 2003, 13 states still had sodomy laws that allowed the state to prosecute LGBTQ+ adults under criminal law, even for consensual sexual encounters conducted in private. If the Supreme Court were to overturn its ruling in *Lawrence*, states would once again be permitted to prosecute LGBTQ+ people under these laws. If the same were to happen with *Obergefell v. Hodges*, which enshrines the right to marriage equality, marriage equality would automatically be revoked in the 14 states that had not enacted such protections before the 2015 decision.

## Overview of Recent Legislation Targeting LGBTQ+ Youth

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In recent months, Republican state lawmakers across the country have introduced and passed several pieces of legislation and executive actions targeting LGBTQ+ youth. This effort attempts to undermine LGBTQ+ rights by:

- Excluding LGBTQ+ youth from sports and public bathrooms;
- Banning books that discuss LGBTQ+ topics from public schools;
- Silencing discussion of LGBTQ+ identities in public schools; and
- Criminalizing gender-affirming healthcare.

These bills, some of which have already been enacted, span every region of the country. Experts agree that most are the result of a coordinated effort by conservative activists to push back on the expansion of support and acceptance for LGBTQ+ people, especially transgender people.

This policy memo focuses on bills, executive actions, and other state policies that seek to

1. silence discussion of LGBTQ+ identities in schools; and
2. restrict access to gender-affirming healthcare.

These bills are only a subsection of this broader wave of anti-LGBTQ+ legislation, but they pose an especially acute threat to the safety and equality of LGBTQ+ youth.

The table below details all such policies that Republican lawmakers enacted or that passed a floor vote in either chamber of a state legislature in 2022, a rough measure of the bills' level of political support. They are a representative, but non-exhaustive, selection of the anti-LGBTQ+ bills under consideration. For a more comprehensive list of legislation — including pending and failed legislation — see the ACLU's list of legislation affecting LGBTQ+ rights across the country, which is updated on a weekly basis and includes archives of bills in past legislative sessions.

## KEY ANTI-LGBTQ+ POLICIES OF 2022

State	Bill	Status as of May 2022	Description**
Alabama	<a href="#">SB184/HB266</a>	<a href="#">Signed into law</a> but <a href="#">partially stayed</a> in U.S. District Court, subject to <a href="#">warning of potential equal protection litigation</a> from the DOJ	Bans gender-affirming healthcare for people under 19. Allows doctors to be sued under felony charges carrying up to 10-year prison sentence
Alabama	HB322	<a href="#">Signed into law</a>	Bans gender-affirming healthcare for those under 18
Arizona	<a href="#">SB1138</a>	<a href="#">Signed into law</a> , subject to <a href="#">warning of potential equal protection litigation</a> from the DOJ	Bans gender-affirming healthcare for those under 18
Florida	<a href="#">CS/CS/HB 1557</a>	Signed into law	Prohibits “classroom discussion” of sexual orientation and gender identity, among other topics, through the third grade and for students for whom it is not “developmentally appropriate”
Florida	<a href="#">Guidance from Florida Department of Health</a>	Issued by the state Department of Health, subject to <a href="#">warning of potential equal protection litigation</a> from the DOJ	Guidelines for healthcare providers that recommend against providing gender-affirming treatment for children and adolescents, and also discourage social gender transition measures like changes to pronoun use or dress
Idaho	<a href="#">H 675</a>	Passed the Idaho House and failed in the Senate	Bans gender-affirming healthcare for children under 18
Tennessee	<a href="#">HB2670</a>	Signed into law	Prohibits <a href="#">discussion</a> of “divisive topics” in public colleges
Texas	<a href="#">Executive Directive</a>	<a href="#">Partially stayed</a> by the Texas Supreme Court	Orders state agencies to investigate gender-affirming healthcare as child abuse under Texas law

\*Though many of these bills have broader implications, they are described here in terms of their effect on LGBTQ+ youth.

## DON'T SAY GAY

Florida's [Don't Say Gay](#) bill (HB 1557: “The Parental Rights in Education Act”) has commanded the most attention among this year's anti-LGBTQ+ bills, becoming a [national topic](#) of discussion in the weeks leading up to its passage. Similar bills have also been introduced in at least [20 states](#) this year.

At the beginning of 2022, [four states](#) already restricted discussion of LGBTQ+ identities in public schools in some way, thanks to a [previous wave](#) of legislation that passed such bans in [nine states](#) from 1987-2001. For instance, a [1991 Texas law](#) required all educational materials to “state that homosexual conduct is not an acceptable lifestyle and is a criminal offense.” The law is still in effect today, and [19 percent](#) of Americans live in states with such laws currently in effect.

During a period of significant political progress for the LGBTQ+ community, five states [repealed](#) their bans on LGBTQ+ visibility in school between 2006 and 2021. In an example that sheds light on the extent to which Republicans have regressed on LGBTQ+ issues, Alabama Gov. Kay Ivey [signed a repeal](#) of such a legacy bill in 2021, only to turn around and also sign the state's version of Don't Say Gay this April.

The new bills use terminology — like “classroom discussion” and “age-appropriate or developmentally appropriate” — so vague that it will inevitably result in lengthy court battles over the true meaning of the statutes. School districts, which are chronically underfunded, will be liable for the legal fees associated with lawsuits initiated by concerned parents.

Legal experts warn that the laws’ vague language will create a chilling effect for school districts, which are likely to enact broad restrictive policies to protect themselves from litigation. For example, it’s not clear if “classroom discussion” covers casual conversation about a child’s same-sex parents in the classroom, and school districts could issue guidance to avoid the topic as a precaution. Similar preemptive policies were enacted following efforts to control discussion of so-called “critical race theory,” an academic term adopted by the right to refer to a broad range of anti-racist topics.

The threat of litigation created by these bills has created an environment of fear and uncertainty for LGBTQ+ youth and families, which appears to be the exact intent of the legislation. During floor debate over Florida’s bill, Sen. Shevrin Jones (an openly gay man) attempted to add language that would have prohibited instruction or discussion “intended to change a student’s sexual orientation or gender identity.” The Republican majority voted it down. This opposition is incompatible with the purported focus on preventing “grooming,” revealing a misalignment between the stated intentions behind these laws and their actual effects.

As devastating as the impacts of the Don’t Say Gay bills are, the assault on trans youth’s access to essential medical care is even more brutal and transparently prejudiced.

## ATTACKS ON GENDER-AFFIRMING HEALTHCARE

Republican state legislatures are also working to limit access to gender-affirming healthcare. In many ways, these policies are the most damaging of the attacks on LGBTQ+ rights in the U.S. today. As reported by the New York Times, the idea to restrict gender-affirming healthcare began to gain momentum when a father in Texas began blogging and making media appearances to discuss a custody battle over his daughter, a transgender elementary school student. He described gender affirmation as “child abuse” and “genital mutilation.”

The framing quickly gained traction in right-wing media, culminating in a legislative push that began last year with Arkansas’ passage of HB 1570, which outlawed gender-affirming healthcare in the state. The Republican-led state legislature overturned the governor’s veto to enact the bill, only to have it promptly stayed in federal court. The case is still being considered, and the Department of Justice has filed a statement of interest asserting that the bill violates the Equal Protection Clause of the 14th Amendment.

This year, Republicans in 18 states have introduced bills that would ban gender-affirming care for minors. When legislative efforts in Texas and Florida failed, Abbott criminalized the treatments by executive order, and Florida’s Department of Health (headed by the DeSantis-appointed surgeon general) issued guidance that providers should not recommend gender-affirming healthcare or even “social transition” steps (e.g., changes to pronouns or dress) to gender-dysphoric children.

Both states have adopted different strategies to restrict access to gender-affirming healthcare. In February, Ken Paxton, the attorney general of Texas, issued a legal opinion arguing that gender-affirming care for minors “constitutes child abuse” under Texas law. Four days later, Abbott issued an executive directive to the Texas Department of Family and Protective Services (DFPS), ordering the agency to investigate reports of youth receiving gender-affirming healthcare. Notably, Paxton and Abbott issued the proclamations mere days before a primary election, in which both officials faced serious challenges from the right.

A judge quickly stayed Abbott’s directive, but the implications of his order were alarming. It required doctors, nurses, and teachers to report parents aiding their child’s pursuit of gender-affirming care to the DFPS. Failure to do so would have meant risking professional censure, job loss, and legal liability. Once reported, parents could be separated from their children, and even imprisoned, depending on the results of the investigation — an approach that puts Texas’ policy uniquely at odds with the “parental rights” rhetoric of its champions.

By contrast, the bills in every other state and the guidance from Florida’s Department of Health attempt to restrict access to gender-affirming care by targeting providers. The severity of the penalties for providers varies: Florida’s measure is relatively weak, since doctors are not legally required to follow the department’s guidance. On the other hand, Alabama’s bill declared that doctors providing gender-affirming care to minors would face felony charges punishable by up to 10 years in prison. These restrictions have a notable impact on the well-being of LGBTQ+ youth.

## Impact of Attacks on LGBTQ+ Youth

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The most direct effect of the growing wave of anti-LGBTQ+ legislation is to restrict access to vital interventions proven to lower the risk of suicide, depression, and other mental health challenges in LGBTQ+ youth.

Laws and policies targeting gender-affirming care have caused the closure of clinics that provide gender-affirming care to minors. In Texas, before Abbott even issued his order on gender-affirming care, political pressure from his office led to the closure of the state’s only gender-affirming clinic that served minors; administrators feared the loss of state funding if they resisted. The UCLA School of Law’s Williams Institute estimates that between 8,200 and 23,700 transgender youth between the ages of 13-18 in Texas lost access to gender-affirming care as a result.

Before enactment of restrictions on gender-affirming healthcare, many doctors provided their patients with several months’ supply of gender-affirming medication. After enactment, they stopped providing such care entirely. To do otherwise would risk lawsuits, loss of professional licenses, and loss of malpractice insurance, since insurers often stop covering that care. In Alabama, doctors could even face criminal charges.

When Arkansas enacted its ban on gender-affirming healthcare, emergency rooms across the state reported an uptick in the number of trans youth admitted for suicide attempts during the week immediately following passage.



The enactment of these policies has put one in three transgender youth in the U.S. at risk of losing access to standard of care treatments for gender dysphoria. Every major medical association objects to bills restricting access to this care, and a raft of recent peer-reviewed studies have found that gender affirmation reduces depression and risk of suicide among gender-dysphoric youth. Transgender youth experience a significantly higher suicide risk than their cisgender counterparts, and research suggests that minority stress (stress associated with the social impact of belonging to a minority group) is a major factor. Without access to gender-affirming care, as demonstrated in the studies below, transgender and gender-dysphoric youth are likely to face higher risks of suicide.

### RECENT PEER-REVIEWED MEDICAL STUDIES DETAILING THE BENEFITS OF GENDER-AFFIRMING HEALTHCARE:

Publication	Date Published	Study Title
<b>Journal of the American Medical Association (JAMA)</b>	02/25/2022	<u>Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care</u>
<b>Journal of Adolescent Health</b>	12/14/2021	<u>Association of Gender-Affirming Hormone Therapy With Depression, Thoughts of Suicide, and Attempted Suicide Among Transgender and Nonbinary Youth</u>
<b>American Academy of Pediatrics</b>	10/01/2020	<u>Mental Health and Timing of Gender-Affirming Care</u>
<b>American Academy of Pediatrics</b>	02/01/2020	<u>Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation</u>

Faced with the threat of restrictions on access to these essential treatments, many families are considering leaving their states to seek treatment for their children, and some already have. These departures sever community bonds, in some cases displacing people with deep roots in a community. They also impose serious financial burdens on families forced to relocate, which disproportionately impact low-income families who may not be able to move at all.

Don't Say Gay bills also restrict access to life-saving interventions by preventing students from learning about gender and sexuality at an age when many are often struggling with their identities. A recent study by the Trevor Project found that LGBTQ+ students who learned about LGBTQ+ issues in school had a 23 percent lower chance of attempting suicide. Such instruction would be prohibited under Don't Say Gay.

Enforcement of these anti-LGBTQ+ laws and orders also squanders state resources meant for other purposes. In Texas, Abbott attempted to use the DFPS to investigate parents supporting their children seeking care. The order triggered a wave of resignations from staff at DFPS, which was already underfunded and ill-functioning. Instead of funding and reforming this failed system, Abbott placed it under additional stress by cracking down on gender-affirming healthcare.

In Florida, Don't Say Gay legislation has led to reports of teachers being fired for discussing sexuality, and they are experiencing lower morale as a result of the legislation. Similarly, school counselors reportedly

worry that it will prevent them from accurately assessing students for suicide risk. This suicide concern is especially concerning, because the political environment around these policies is taking a devastating toll on the mental health of LGBTQ+ minors.

## POLICY RECOMMENDATIONS

It is critical that political leaders at all levels of government are forceful in their condemnation of these attacks on the LGBTQ+ community. Actions policymakers can take to combat hate include:

- Calling out anti-LGBTQ+ bigotry from other politicians;
- Passing the Equality Act; and
- Enacting legal refuge for families fleeing prosecution under anti-LGBTQ+ policies.

## REPUDIATE ANTI-LGBTQ+ BIGOTRY FROM OTHER POLITICIANS

Leading transgender rights advocates have criticized the lack of support from national allies in their efforts to push back on the attacks against LGBTQ+ individuals. In recent weeks, Republican candidates and PACs have spent at least \$4.5 million on campaign ads discussing trans issues in 16 states. Democrats were completely silent about trans people in ads, and national ally groups ran only much smaller TV spends in Florida and Texas, and some small Facebook ad buys.

In order to counter the surge of anti-LGBTQ+ bigotry, politicians must hold their peers who use hateful rhetoric accountable through public statements and formal censure resolutions when possible. Earlier this year, the Arizona State Senate censured Sen. Wendy Rogers for using antisemitic language and calling for her political opponents to be hanged. Such calls for violence are closely mirrored in the debate over LGBTQ+ rights, including a recent cable news discussion of gender-affirming healthcare, in which Tucker Carlson called for adults promoting LGBTQ+ acceptance to be “beaten up” and “thrashed,” and Ohio Senate candidate JD Vance agreed.

In an April 2022 floor speech, Michigan State Sen. Mallory McMorrow provided an important blueprint for how Democrats can most effectively talk about these issues and push back on anti-LGBTQ+ rhetoric.

Going on offense, McMorrow did not mince words. Accusing those behind the attacks of “scapegoating” LGBTQ+ kids and their allies, she explained they were doing so to “deflect from the fact that they’re not doing anything to fix the real issues that impact people’s lives.” By keeping the focus on what Republicans are doing, taking a clear stance, and providing a convincing explanation for the attacks — and lending no credence to the notion that LGBTQ+ people are a threat to children or families — McMorrow seized control of the terms of the debate away from right-wing extremists. Her speech garnered national earned media — focus not often given to local legislators — that is critical to raising the public’s awareness of Republican extremism. References to the speech also garnered more success than any other DLCC fundraising email pitch this year, suggesting her approach to the topic resonated strongly with the Democratic base.

Politicians who utilize McMorrow’s tactics can effectively draw attention to the attack on LGBTQ+ communities and mobilize the public against the attackers. This work is essential to counteracting misinformation and sensational framings of these issues, which the right-wing media is disseminating quickly and effectively. National mainstream media has failed overwhelmingly to cover the assault on LGBTQ+ rights, in many cases devoting significantly more time to coverage of the supposed controversy around an individual trans athlete. Democrats can address this issue and drive more coverage of this assault by going on offense and creating a showdown for the media to report on.

A vigorous anti-bigotry counteroffensive comes with political upside. Recent Data For Progress polling finds that most voters disapprove of attacks on LGBTQ+ people, and they do not agree with right-wing framing that opponents of these policies are “groomers.” Moreover, politicians who fail to effectively message their opposition to such policies are ignoring an important opportunity to energize their base: progressive, pro-LGBTQ+ voters, who are at risk of becoming alienated instead. A more comprehensive polling analysis can be found in our accompanying polling memo here.

In order to effect true change, however, politicians calling out their colleagues for supporting LGBTQ+ hatred must be accompanied by legislation that codifies protections for LGBTQ+ communities.

## **PROVIDE EQUAL PROTECTIONS BY PASSING THE EQUALITY ACT**

Political leaders must play an important role in protecting the LGBTQ+ community from bigoted attacks. At the federal level, politicians can work to pass the Equality Act, which passed the House last year but did not receive enough votes in the Senate to overcome the filibuster. The Equality Act prohibits discrimination on the basis of gender identity and sexuality in federally funded programs, which could neutralize some of the effects of state policies like Don’t Say Gay and restrictions on gender-affirming healthcare.

Democrats can also strengthen the popularity of the party’s brand by supporting the Equality Act, which has broad and deep support among the public. A Data For Progress poll from March 2021 found a clear 38-point margin of support (66 percent support, 28 percent opposed) for the Equality Act. Crucially, the poll found that 61 percent of Democrats and 38 percent of Independents strongly supported the policy, while only 27 percent of Republicans strongly opposed it. Those results indicate that highlighting the issue in campaign communications and in the media will benefit Democrats, since it will mobilize more members of their base than of the Republicans’.

Federal lawmakers are not the only ones who can work to enact protections for LGBTQ+ people. Even in states where anti-LGBTQ+ policies are unlikely to be enacted, state lawmakers can work to enact such protections in ways that combat the rising tide of hate.

## PROVIDE LEGAL REFUGE TO TRANSGENDER FAMILIES

A coalition of 20 states and Washington, D.C., led by California State Sen. Scott Wiener and the Victory Institute, have proposed legislation offering legal refuge to transgender youth and families fleeing enforcement of anti-LGBTQ+ policies in other states. Specifically, the template Trans Refuge legislation declares laws criminalizing gender-affirming healthcare to be “contrary to the public policy of this state,” and prohibits state courts and law enforcement in the state from enforcing such policies.

The bills, which are being considered in more progressive states, would provide crucial protections for families fleeing anti-LGBTQ+ policies, some of which carry criminal liability. They would reject judgments from other states’ courts that would separate parents from their children because they assisted the child in accessing gender-affirming healthcare. They would also prohibit law enforcement from arresting families for another state’s charges of providing gender-affirming care, and prevent healthcare providers in the states from disclosing such information about the provision of gender-affirming healthcare in response to any criminal or civil action from another state.

Together, these policies create a legal shield for families forced to flee states passing anti-trans legislation, as some already have been. For these families, legal protections that prevent prosecution from their old states are essential to establishing a new life free from persecution. More states — particularly those with progressive majorities — should protect transgender families by passing similar laws to provide legal refuge. Doing so now is important in case more states pass bans next year, displacing even more transgender children and their families.

## Conclusion

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The increasing intensity and frequency of the attacks on the LGBTQ+ community are a sign that Republican elected officials believe that such attacks are politically advantageous. Leaders from both parties — as well as activists, prominent figures, and members of the general public — must push back against these attacks to protect LGBTQ+ youth from the worst of these proven harms.

The LGBTQ+ community and its allies have beaten previous waves of backlash, and with each victory, we reaffirm our right to live openly as we choose, in the states that we choose. If history is any guide, the future of LGBTQ+ rights will not be straightforward or predictable. But as McMorrow put it, “we decide what happens next, and how we respond to history and the world around us.”

# Bibliography

[‘Don’t Say Gay’ bills aren’t new. They’ve just been revived. | The 19th](#)

[“Gay Teachers Fight Back!”: Rank-and-File Gay and Lesbian Teachers’ Activism against the Briggs Initiative, 1977–1978 | University of Texas Press](#)

[A record number of U.S. adults identify as LGBTQ. Gen Z is driving the increase. | The Washington Post](#)

[Alabama governor signs into law two bills limiting transgender youth protections | CNN](#)

[Alabama Senate Bill 184 | LegiScan](#)

[Alabama’s Wave of Anti-LGBTQ Legislation Could Have National Consequences | Time](#)

[Anti-Trans Violence and Rhetoric Reached Record Highs Across America in 2021 | TIME](#)

[Arizona Senate Bill 1138](#)

[Arkansas becomes first state to outlaw gender-affirming treatment for trans youth | CNN](#)

[Biden Admin’s Dept. of Justice Moves To Protect Transgender Young People Against Anti-Transgender State Legislation That Discriminates in West Virginia & Arkansas | Human Rights Campaign](#)

[CDC: 1 in 4 LGBTQ teens attempted suicide in first half of 2021 | NBC NXAN](#)

[Federal judge temporarily blocks Arkansas’ ban on gender-affirming treatment for trans youth | CNN](#)

[Florida Senate Bill 1557](#)

[How Medical Care for Transgender Youth Became ‘Child Abuse’ in Texas | The New York Times](#)

[If Roe v. Wade falls, are LGBTQ rights next? | Vox](#)

[Kentucky governor halts bill that would ban transgender students from women’s sports | NPR](#)

[Lawrence v. Texas | Oyez](#)

[Legislation Affecting LGBTQ Rights Across The Country | ACLU](#)

[Letter to Texas Department of Family and Protective Services | Office of Governor Abbott](#)

[LGBTQ Equality Maps Updates: April 2022 | An Injustice](#)

[LGBTQ Youth Suicide Prevention in Schools | The Trevor Project](#)

[LGBTQ Youth: LGBTQ Curricular Laws | Movement Advancement Project](#)

[Medical Association Statements Supporting Trans Youth Healthcare and Against Discriminatory Bills | GLAAD](#)

[Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care | JAMA Netw Open](#)

[Miami Votes 2 to 1 to Repeal Law Barring Bias Against Homosexuals | The New York Times](#)

[Opponents Call It the ‘Don’t Say Gay’ Bill. Here’s What It Says. | The New York Times](#)

[Prohibiting Gender-Affirming Medical Care for Youth | University of California, Los Angeles Williams Institute](#)

[Protecting Transgender Youths’ Right to Participate in Sports | Columbia University Mailman School of Public Health](#)

[Punishing Disney, DeSantis Signals a Lasting G.O.P. Brawl With Business | The New York Times](#)

[School Climate For LGBTQ Students In Florida | GLSEN](#)

[Snapshot: LGBTQ Equality By State | Movement Advancement Project](#)

[Suicidality Disparities Between Transgender and Cisgender Adolescents | American Academy of Pediatrics](#)

[Texas Youth Gender Clinic Closed Last Year Under Political Pressure | The New York Times](#)

[Texas’ abortion law architect is giving women the most absurd, insulting advice | MSNBC](#)

[The minority stress perspective | American Psychological Association](#)

[The myth that has shaped the Christian Right and the LGBTQ rights movement for four decades | The Washington Post](#)

[The State Legislative Attacks On LGBTQ+ People | Human Rights Campaign](#)

[The stunning mental health fallout of Don’t Say Gay bills like Florida’s | Fast Company](#)

[Transgender Texas kids are terrified after governor orders that parents be investigated for child abuse | The Texas Tribune](#)

[Twitter @ChristinaPushaw](#)

[U.S. District Court for the Eastern District of Arkansas, Case No. 4:21-cv-450JM](#)

[Utah Governor Vetoes Transgender-Athlete Bill | The New York Times](#)

[LGBT Identification in U.S. Ticks Up to 7.1% | Gallup](#)

[Structural Racism and Anti-LGBTQ Policies Can Impact Suicide Risk | Rutgers](#)

[LGBTQ people face ‘groomer’ accusations and trolling as culture war rages on | NBC News](#)

[Why So Many Conservatives Are Talking About ‘Grooming’ All Of A Sudden | FiveThirtyEight](#)

[How Rep. Marjorie Taylor Greene, promoter of QAnon’s baseless theories, rose with support from key Republicans | The Washington Post](#)

[Anti-transgender bathroom hysteria, explained | Vox](#)

[North Carolina Reaches Settlement on ‘Bathroom Bill’ | The New York Times](#)

[How a Purple State Got a Bright Red Sheen | The Atlantic](#)

[Bans On Transgender Youth Participation In Sports | Movement Advancement Project](#)

[Healthcare Laws And Policies | Movement Advancement Project](#)

[LGBTQ Curricular Laws | Movement Advancement Project](#)



[Teachers fear the chilling effect of Florida's so-called 'Don't Say Gay' law | NPR](#)

[ACLU, Lambda Legal Statement on Texas Supreme Court Ruling Partially Upholding Injunction Blocking Investigations into Families of Transgender Youth | Common Dreams](#)

[Governor Ducey Signs Common Sense Legislation To Maintain Fairness In School Athletics, Protect Children and Affirm Life | Office of the Governor Doug Ducey \(AZ\)](#)

[Judge blocks part of Alabama law criminalizing gender-affirming care for trans youth | USA Today](#)

[Three Opinion Writers on Why the G.O.P. Can't Stop Saying 'Gay' | The New York Times](#)

[Why are states banning critical race theory? | Brookings](#)

[Texas Court Allows Abuse Inquiries of Parents of Transgender Children | The New York Times](#)

[Alabama governor signs bill criminalizing transgender health care for minors | NBC News](#)

[Doctors and advocates brace for Alabama's 'inhuman' trans health care ban | NBC News](#)

[Tucker Carlson Asks Why Dads Aren't Entering Classrooms to 'Trash' Teachers Pushing 'Sex Values' on Kids | Mediaite](#)

[AMA adopts new policies on first day of voting at 2019 Annual Meeting | American Medical Association](#)

[FAQ: What you need to know about transgender children | Washington Post](#)

[Twitter @MalloryMcMorrow](#)

[Anti-Asian Hate Crime During the COVID-19 Pandemic: Exploring the Reproduction of Inequality | American Journal of Criminal Justice](#)

[LGBTQ Students Are Being Terrorized. Florida's 'Don't Say Gay' Law Will Make It Worse. | HuffPost](#)

['I just don't want to feel unsafe' - couple flees Florida amid 'Don't Say Gay' | Washington News Bureau](#)

[On the Offense: A Playbook for States to Protect and Expand Abortion Access](#)

[Opinion analysis: Marriage now open to same-sex couples | SCOTUSBlog](#)

[Doctors and treatment threatened after Alabama outlaws gender-affirming medicines for trans kids | CBS](#)

[Tucker Carlson props up Arkansas' extreme anti-trans law with lies about medical care for trans youth | Media Matters](#)

[Defending Florida's "Don't Say Gay" bill, Fox's Tucker Carlson says teachers who talk to kids about gender identity should "get beaten up" | Media Matters](#)

[Major TV news outlets are leaving it to Fox to cover the national assault on trans youth | Media Matters](#)

[A Strong Majority of Voters Support the Equality Act | Data For Progress](#)

[GOP candidates unleash wave of ads targeting transgender rights | AP](#)

[Arizona State Senate censures lawmaker who threatened rivals with violence | NPR](#)