

# Roundup of Anti-LGBTQ+ Legislation

## Advancing In States Across the Country

As extremist lawmakers in state houses across the country continue advancing a record-breaking number of anti-LGBTQ+ bills in state legislatures, the Human Rights Campaign — the nation’s largest lesbian, gay, bisexual, transgender and queer (LGBTQ+) civil rights organization — is providing the below snapshot (updated weekly) to illustrate the hostile legislative climate facing LGBTQ+ people, and the scale and scope with which the ongoing legislative assault is being waged.

This weaponization of public policy has been driven by extremist groups that have a long history in working to oppress the existence and rights of LGBTQ+ people. Several of these organizations have been deemed hate groups by the Southern Poverty Law Center, such as the Alliance Defending Freedom and the Family Research Council.

### **Year-to-Date Snapshot: 2023 Anti-LGBTQ+ State Legislative Activity**

- Over 520 anti-LGBTQ+ bills have been introduced in state legislatures, a record;
- Over 220 bills specifically target transgender and non-binary people, also a record; and
- A record 70 anti-LGBTQ laws have been enacted so far this year, including:
  - Laws banning gender affirming care for transgender youth: 15
  - Laws requiring or allowing misgendering of transgender students: 7
  - Laws targeting drag performances: 2
  - Laws creating a license to discriminate: 3
  - Laws censoring school curriculum, including books: 4

### **Notable 2023 Trends & Topline Analysis**

- There have been more anti-LGBTQ+ bills introduced in state houses this year than in each of the previous five years; with the increase in LGBTQ Erasure bills, bills that strip away dozens of legal protections and rights for LGBTQ+ people, coming as the newest form of attacks on the community

- More than 125 bills would prevent trans youth from being able to access age-appropriate, medically-necessary, best-practice health care, in addition to more than 45 bills banning transgender students from playing school sports and more than 30 “bathroom bills,” a figure that exceeds the number bathroom bills filed in any previous year.
- Some states that have been the most aggressive in advancing anti-LGBTQ+ laws include Florida, North Dakota, Tennessee, and Texas

### **Notable Bills Advanced in the Past Week (updated as of May 22, 2023)**

More than 145 anti-LGBTQ+ bills have passed at least one chamber this calendar year. Some notable bills that advanced this past week or may advance this week include:

Arizona:

SB 1040: would ban trans students and school personnel from using school restrooms that match their gender identity and allows people to sue schools if they share a restroom or similar school facility with a trans person.

Louisiana:

HB 648: would ban gender affirming care for transgender youth

Ohio:

HB 6: would prohibit transgender students from participating in school sports

SB 83: would restrict diversity, equity, and inclusion programs or trainings

South Carolina:

H. 3728: would censor curriculum and prohibit schools from requiring gender or sexual diversity counseling or training for students and staff.

Texas:

SB 17: would prohibit diversity, equity, and inclusion offices at state colleges and universities

SB 12: would criminalize drag performances

Florida:

HB 1069: silences educators by prohibiting any instruction on sexual orientation or gender identity from Pre-K through 8th grade, expanding the “Don’t Say LGBTQ+ Law” passed last year

SB 254: penalizes providers by inflicting criminal penalties (including felony penalties) on providers who give gender-affirming care; takes licenses away from those providers; and it prohibits Medicare from covering gender-affirming care for transgender youth or adults. It also forbids public funds, including those of a public university, public hospital, city, or county, and Medicare, from being used to provide benefits that include gender-affirming care – for transgender people of all ages. And – uniquely – it allows the state to use gender-affirming care or the “risk” of such care for a child as a reason to give Florida family courts exceptional jurisdiction to set aside another state’s custody determination

HB 1521: would criminalize transgender people for using the restroom that matches their gender identity

Montana:

SB 518: allows schools to misgender and forcibly out transgender and non-binary students

SB 458: LGBTQ+ Erasure bill, adopts an anti-LGBTQ definition of “sex” that now impacts the entirety of Montana law

HB 676: allows parents to withdraw students from public school if they disagree with the lesson plan of the day

Nebraska:

LB 574: prohibits transgender youth from receiving age-appropriate, best practice gender affirming healthcare and will also prohibit abortions after 12 weeks of pregnancy

Tennessee:

HB 239: LGBTQ+ Erasure bill, establishes an anti-LGBTQ definition of “sex” in state statute

HB 158: prohibits public education institutions from requiring implicit bias trainings

HB 1269: allows for the intentional misgendering and deadnaming of transgender and non-binary students by their teachers

Additional bills that are in the final stages in the legislature or are awaiting signature from the state's governor:

Florida:

SB 170: would discourage cities from passing non-discrimination ordinances by raising the barriers to proposing ordinances and making it easier to challenge ordinances in court

Iowa:

SF 496: would ban classroom discussions that touch on LGBTQ+ topics in grades K-6, and would also require schools to forcibly out transgender students

SF 391/HF 327: would censor info about HIV and AIDS from required curriculum standards

Louisiana:

HB 648: would ban gender affirming care for transgender youth

HB 466: would impose a "Don't Say LGBTQ+" style curriculum censorship law

Missouri:

SB 39: would ban transgender students from participating in school sports

SB 49: would ban gender affirming care for transgender youth

Texas:

SB 14: would ban gender affirming care for transgender youth

SB 15: would prohibit transgender students from participating in sports at public universities

SB 763: would allow for chaplains to serve as public school counselors

### **Public Opinion Roundup: Recent LGBTQ+ Polling**

A polling memo released recently by the Human Rights Campaign highlights a series of recent national polls revealing that Americans are growing increasingly opposed to anti-LGBTQ+ legislation sweeping through state houses, finding the push excessive and nothing more than "political theater."

## Key Points:

- ANTI-LGBTQ+ BILLS — 64% of all likely voters think there is “too much legislation” aimed at “limiting the rights of transgender and gay people in America” — including 72% of Democrats, 65% of Independents, and 55% of Republicans [source].
- GENDER AFFIRMING CARE — Two recent national surveys report opposition to bans on gender affirming care — one indicating 54% opposition [source] and the other indicating 53% opposition [source].
- DRAG BANS — Nearly six in 10 (58%) Americans oppose laws that would restrict drag shows or performances in their state, while 39% support legislation to restrict these performances. While 61% of Republicans are in favor of these bans, 73% of Democrats and 57% of Independents oppose the proposed limitations [source].
- BOOK & CURRICULUM BANS — Majorities disapprove of banning LGBTQ+ content in schools — nearly 60% of Americans believe middle school libraries should include materials related to “gender identity” and “sexual orientation” [source]

## **Looking Back at the 2022 State Legislative Sessions**

In a coordinated push led by national anti-LGBTQ+ groups, which deployed vintage discriminatory tropes, politicians in statehouses across the country introduced 315 discriminatory anti-LGBTQ+ bills in 2022 and 29 passed into law. Despite this, fewer than 10% of these efforts succeeded. The majority of the discriminatory bills – 149 bills – targeted the transgender and non-binary community, with the majority targeting children receiving the brunt of discriminatory legislation. By the end of the 2022 legislative session, a record 17 bills attacking transgender and non-binary children passed into law.

## Anti-LGBTQ+ legislation took several forms, including:

- 80 bills aimed to prevent transgender youth from playing school sports consistent with their gender identity. 19 states now exclude transgender athletes in school sports.
- 42 bills to prevent transgender and non-binary youth from receiving life-saving, medically-necessary gender-affirming healthcare. 5 states now restrict access to gender-affirming care.

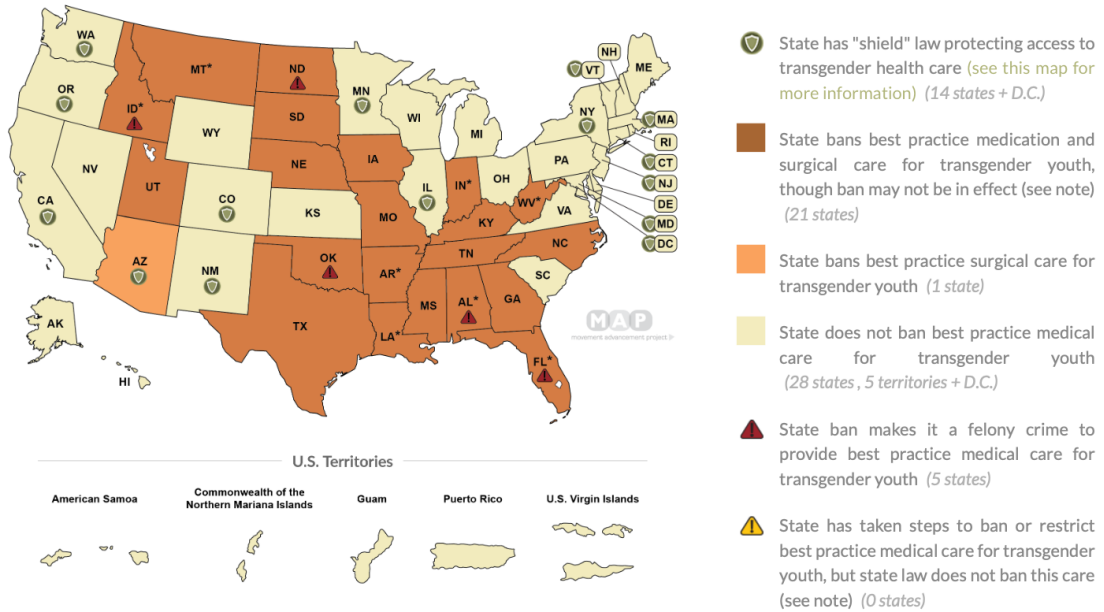
- 70 curriculum censorship bills tried to turn back the clock and restrict teachers from discussing LGBTQ+ issues and other marginalized communities in their classrooms. 7 passed into law.

Source : <https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country>

## BANS ON BEST PRACTICE MEDICAL CARE FOR TRANSGENDER YOUTH

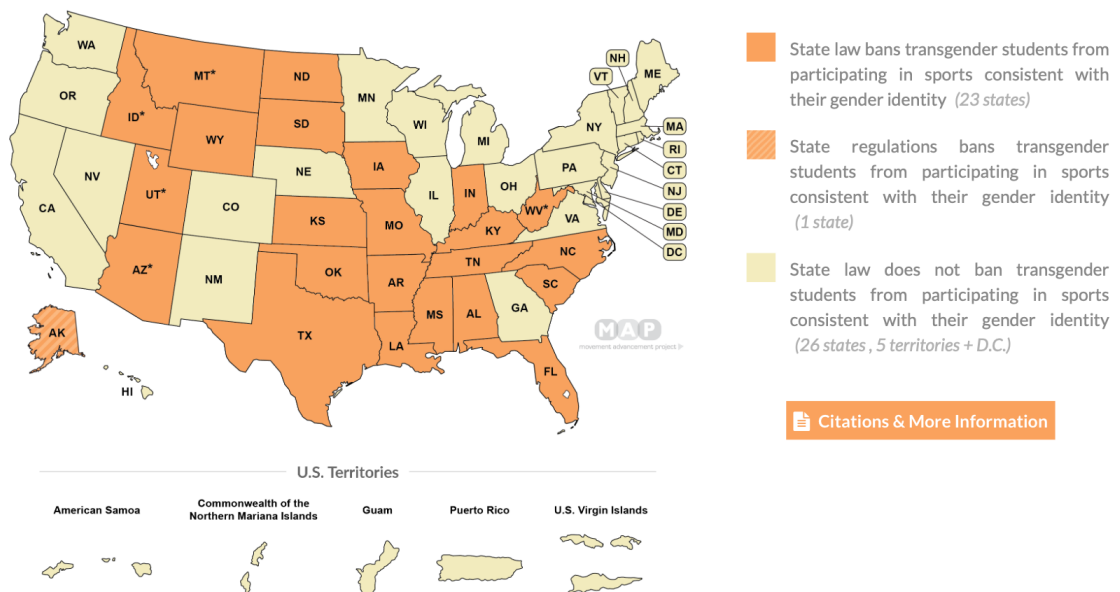
Bans on best-practice medical care represent one of the most extreme and coordinated political attacks on transgender people in recent years. These bills target transgender youth by blocking their access to best-practice medical care, care that is backed by years of rigorous research and endorsed by the American Academy of Pediatrics, the American Medical Association, and other leading health authorities. These bills not only display a fundamental lack of understanding of transgender children, but they also ban access to medical care often by criminalizing either the doctors or even the parents of transgender youth seeking to provide best-practice medicine for children in their care.

For more on these efforts, including how these attacks have become more extreme over time, [read MAP's 2023 spotlight report](#).



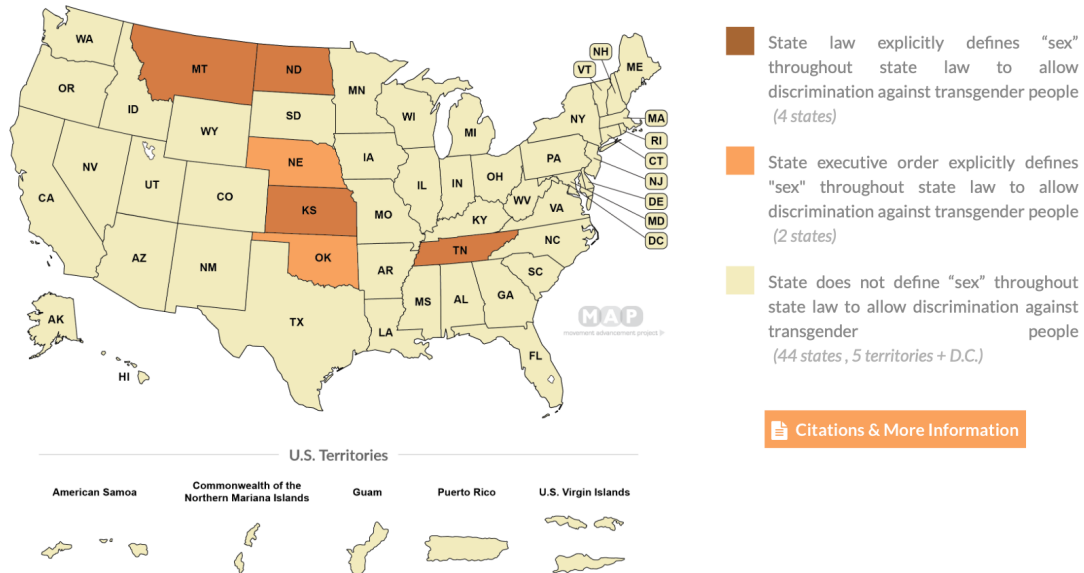
## BANS ON TRANSGENDER YOUTH PARTICIPATION IN SPORTS

Recently, anti-LGBTQ activists and politicians have introduced – and passed – laws to ban transgender youth from participating in school sports, most frequently in K-12 schools but sometimes including in college. These laws mean that transgender girls, for example, would not be allowed to participate in sports with other girls. Local schools and state athletic associations already have policies that both protect transgender people and ensure a level playing field for all athletes. In contrast, the policies shown below are blanket bans on transgender people's participation in sports, and these bans are both unnecessary and harmful.



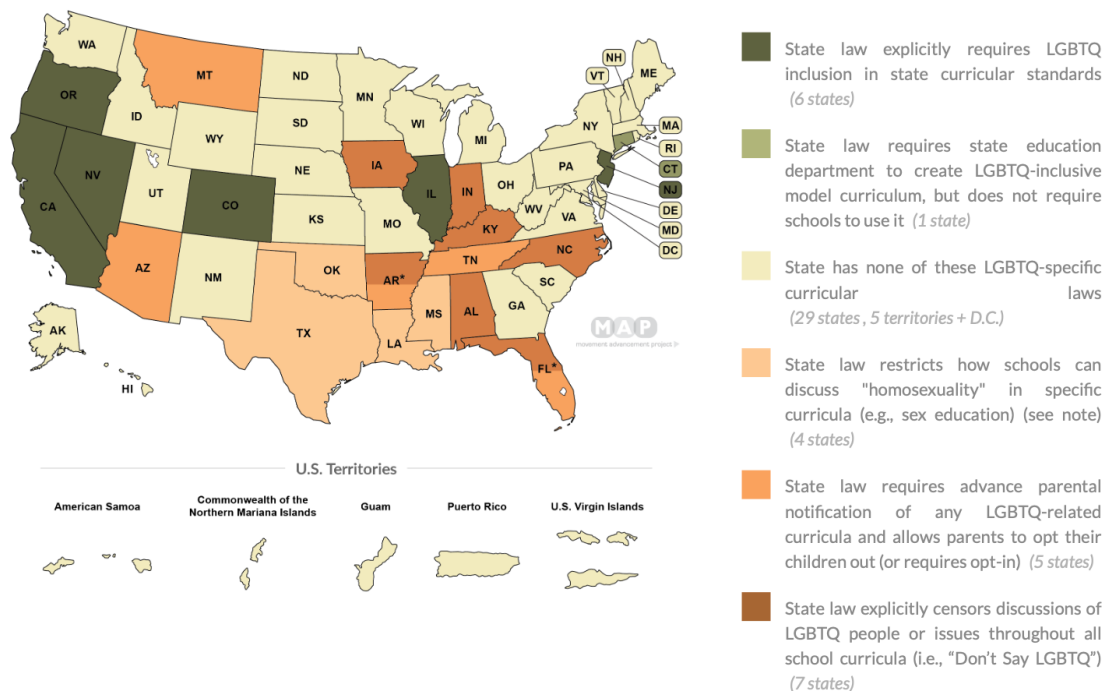
## DEFINING SEX TO ALLOW DISCRIMINATION

As part of a broader, coordinated attack on transgender people across the country, these newly emerging laws explicitly define "sex" throughout all state law to effectively allow discrimination against transgender people. These laws define sex as only male or female, typically based on a person's presumed reproductive anatomy, chromosomes, hormones, or other physical characteristics at birth. These laws also define sex as a permanent category, implying that transgender people's gender identity would never be legally recognized under state law. These laws *could* have dangerous implications for transgender people when it comes to bathrooms, identity documents, and other areas of law or policy, but because these sex definition laws are often vaguely written, the actual impact of these laws remains to be seen.



## LGBTQ CURRICULAR LAWS

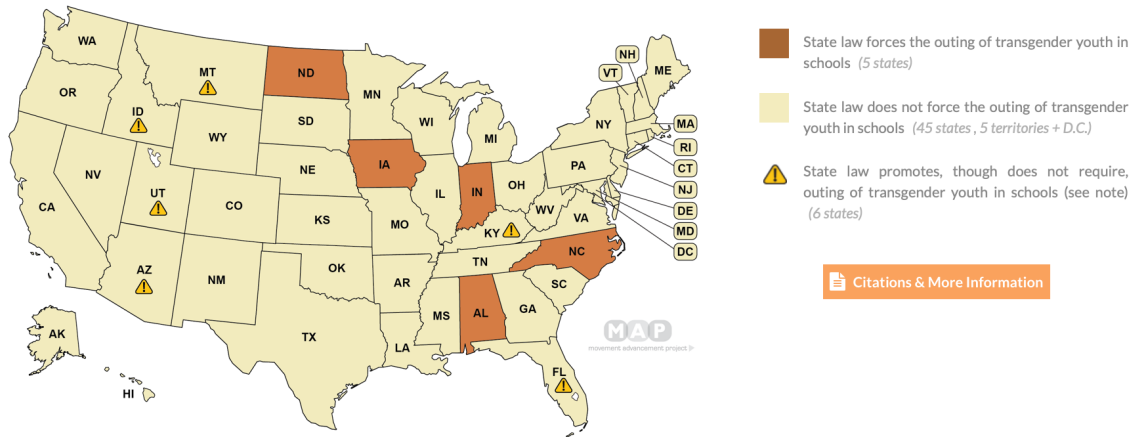
LGBTQ-related curricular laws are important for LGBTQ students' health, well-being, and academic success. This map shows multiple distinct policies related to LGBTQ inclusion in—or exclusion from—school curricula or standards. First, LGBTQ-inclusive curricular laws explicitly require the state's curricular standards to include LGBTQ people and history, such as in subjects like history, civics, or social studies. Harmful, exclusionary laws include older-style censorship laws that restrict how schools can discuss "homosexuality" in specific subjects; parental notification laws, which require parents to be notified in advance of any LGBTQ-related curricula and allow parents to opt their children out of those classes (or require them to opt-in); and finally more recent "Don't Say LGBTQ" laws that explicitly censor teachers and staff from discussing LGBTQ people or issues throughout all curricula. Click "Citations & More Information" beneath the map legend for more information about all these types of laws, and learn more about [the importance of inclusive curricular standards from GLSEN](#).





## FORCED OUTING OF TRANSGENDER YOUTH IN SCHOOLS

Since 2020, there has been a growing legislative attack on transgender people, and particularly on transgender youth. This includes a growing number of bills (and now laws) that explicitly require school staff—and in some cases, any government or public employee—to out transgender youth to their families, often without regard for whether doing so might put the child at risk of harm.



## GAY/TRANS PANIC DEFENSE BANS

The so-called "gay and trans panic" defenses are legal strategies which, according to the [American Bar Association](#), "seek to partially or completely excuse crimes such as murder and assault on the grounds that the victim's sexual orientation or gender identity is to blame for the defendant's violent reaction." Research by the [Williams Institute](#) shows that "no state recognizes gay and trans panic defenses as freestanding defenses under their respective penal codes," but defendants have used panic defenses in conjunction with other defense strategies to attempt to reduce the severity of their charges or sentencing.

These defenses are based in irrational fears and prejudice toward LGBTQ people, and they imply that violence against LGBTQ people is acceptable or understandable under certain conditions. The [American Bar Association](#) issued a unanimous resolution in 2013 calling on "federal, tribal, state, local, and territorial governments" to prohibit the use of this defense, but many states still permit this practice, as shown in the map below.

