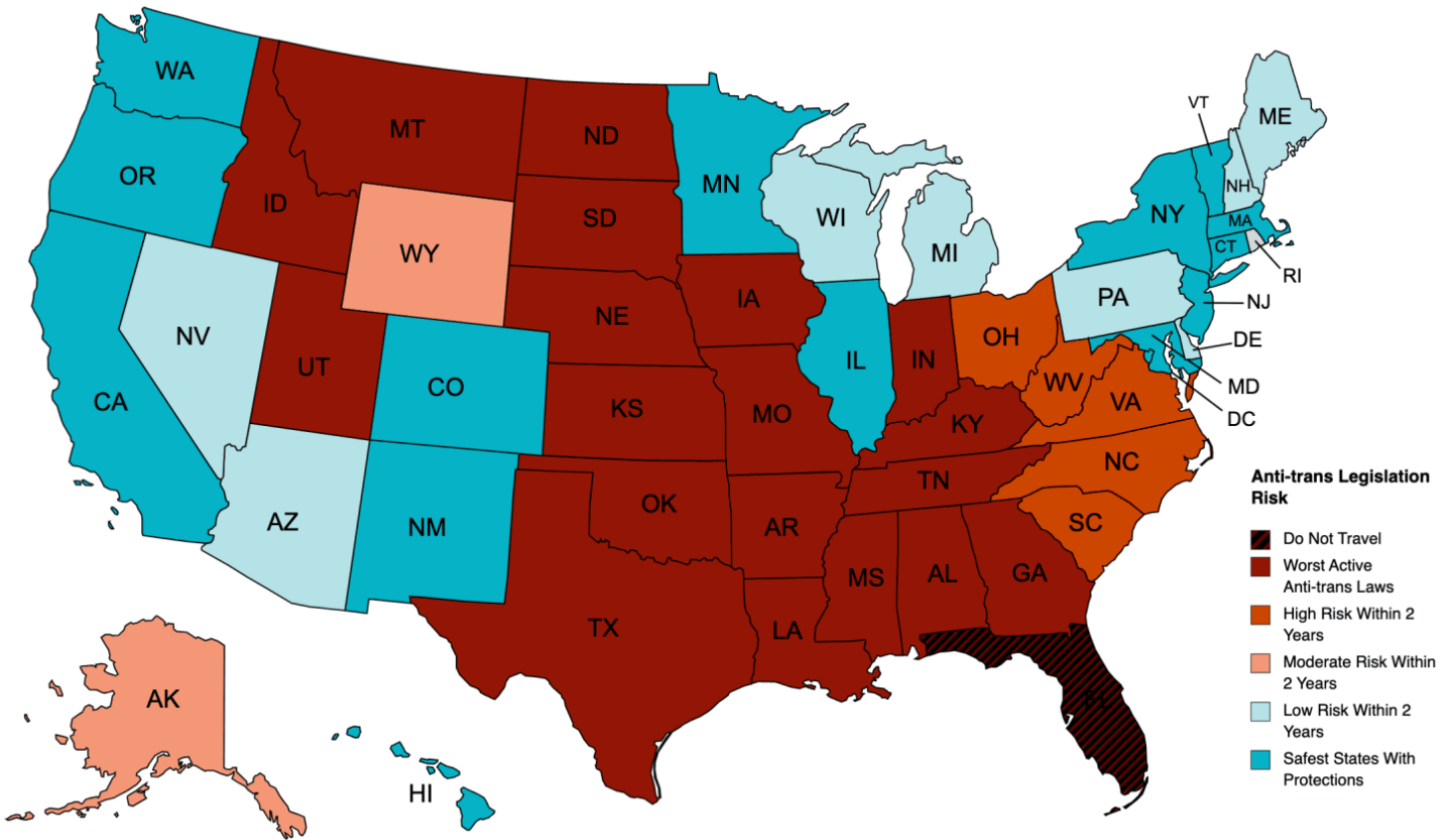
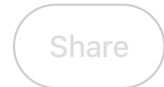
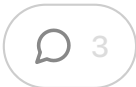
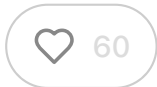


June Anti-Trans Legislative Risk Map

A map of the risk for anti-trans laws. For Pride, America feels like it has cleaved into two countries - one which targets transgender people everywhere, and one that has taken huge protective steps.



ERIN REED
JUN 25, 2023



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About The Map

I have tracked anti-transgender legislation for 3 years @erininthemorn on [Twitter](#) and [TikTok](#). Every day, I've gotten messages from worried people wondering how they are supposed to assess their risk of staying in their home state. The messages range from parents of trans youth wondering if their children will be taken from them to trans teachers wondering if their jobs will be safe in coming years. Sometimes people just want to know if there is a safer state they can move to nearby.

I created the legislative risk map specifically to help answer that question. Now more than ever, it is a question that needs answering for so many transgender people facing forced medical detransition, arrests for using the bathroom, bans on the use of our names, pronouns, and identification documents, and many other curtailments in public life.

Methodology

The methodology I use is qualitative. I know the partisan breakdown of each state. I have read all [532 bills](#) that target trans people in America. I have spent hundreds of hours of hearings on anti-trans legislation and am fully aware of the current situation as well as where they are making their pushes against trans rights. I have counted and talk to activists on the ground in each state. I also take into account election results - the last election shifted several states into lower risk due to changes at the state level. I am looking at how similar states are moving. Lastly, I watch for statements by governors and bill drafts to see which various states seems to be pushing anti-trans legislation heavily



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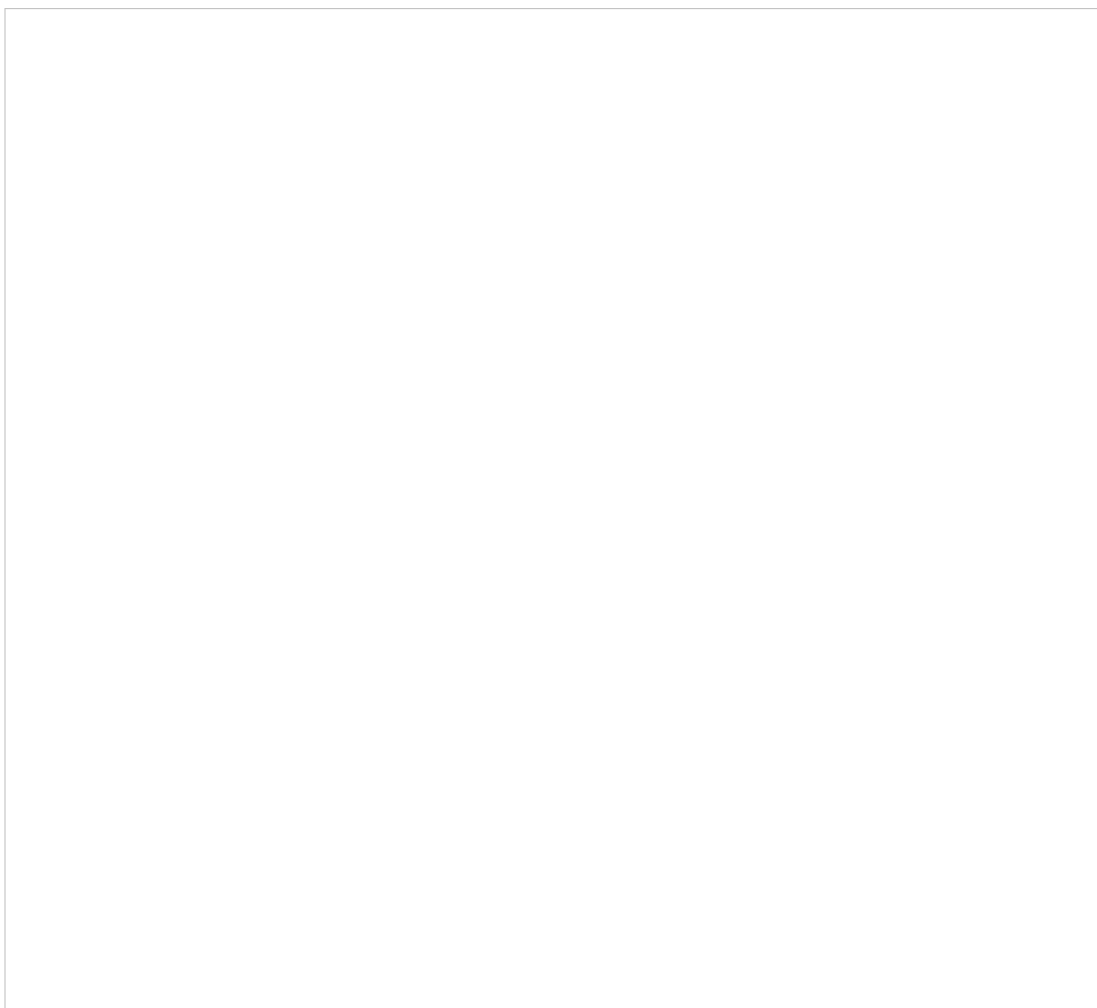
examples of such legislation on this newsletter.

Sign

Changes On This Map

The United States continues to split into what feels to transgender people like two separate countries. Several states have rolled out a slew of laws targeting every facet of transgender lives - from censoring books that address their existence, stifling associated art forms, to banning healthcare and policing their very movements with bathroom bans. In stark contrast, a band of states has forged ahead in the opposite direction, enacting laws that shield transgender individuals from these crushing measures. Take a moment to compare the anti-trans legislation map of 2022 with today's; the scale of anti-trans legislation and how it has moved is eye-opening.

See the maps here:





The map paints a picture of an America cleaved in two. Nearly every state considered to be moderate or high risk to pass severe anti-trans laws has done so. Wyoming and West Virginia stand as the lone exceptions. Conversely, states that were ranked low risk to pass such legislation have taken huge steps towards protecting their trans populations. This includes the enactment of robust protective measures such as refuge/shield laws, which put a halt to extraditions and stave off investigations into healthcare received from outside their borders.

Since the release of the last map, there's been a string of encouraging developments for the transgender community. **Indiana's ban** on gender-affirming care has been halted by the courts, and **Florida's ban** is similarly blocked, with reports indicating that some clinics have started providing care again. In Arkansas, the **anti-trans gender affirming care ban** was met with a final judgment declaring it unconstitutional. Despite these developments, Arkansas still harbors outdated anti-trans laws, including a bill that negatively affects trans individuals' use of bathrooms. In the same vein, Florida and Indiana continue to enforce several other anti-trans laws. These states will remain in the "worst state laws" category for the time being, until more of these restrictive laws are defeated.

The sole state to change a category in the most recent map is Louisiana. Early news from Louisiana was good, with a gender affirming care ban being defeated in committee. In a move with very little precedent, the Louisiana legislature changed the law to be heard in a more favorable committee, resulting in the ultimate ban of the care there. This is enough to move Louisiana into the "worst states" risk category.

MOVE LOUISIANA INTO THE WORST STATES RISK CATEGORY.

The Worst States



- Alabama
- Arkansas
- Florida
- Georgia
- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky

- Louisiana
- Mississippi
- Missouri
- Nebraska
- Montana
- Oklahoma
- South Dakota
- Tennessee
- Texas
- Utah

These states exhibit the most severe anti-trans legislation. All have outlawed gender-affirming care for trans youth, and many have implemented a range of discriminatory policies. These include the **religious right to refuse treatment** to transgender patients, bans on correct gender markers on **birth certificates and driver's licenses**, **bans on drag** that have led to the **cancellation of pride events**, **strict definitions of sex** that exclude transgender individuals from legal protections, and more. For transgender people, these states instill fear - it is in these states that the question is most asked, “is it time to leave?”

Florida holds a unique status within these states, with travel advisories warning against visits. The “do not travel” recommendation extends to even connecting flights through Florida. As of July 1, transgender individuals **could face up to a year in jail** for using the bathroom that aligns with their gender identity. This risk persists even for those who have legally altered their identification documents. The state retains the power to investigate an individual's birth gender to determine if a crime has been committed simply by using the bathroom - investigations that could involve genital exams, chromosome testing, and more.

High Risk States

- North Carolina
- Ohio
- South Carolina
- Virginia
- West Virginia

The list now comprises only five states. Each has demonstrated a propensity to propose severe anti-trans policies, but they have not yet crossed the ultimate threshold. West Virginia included an essential exception for "severe dysphoria," enabling many trans youth to continue receiving care. North Carolina, South Carolina, and Ohio are all advancing harsh anti-trans legislation. However, the legislation has not yet been fully approved, and activists are vigorously contesting it.

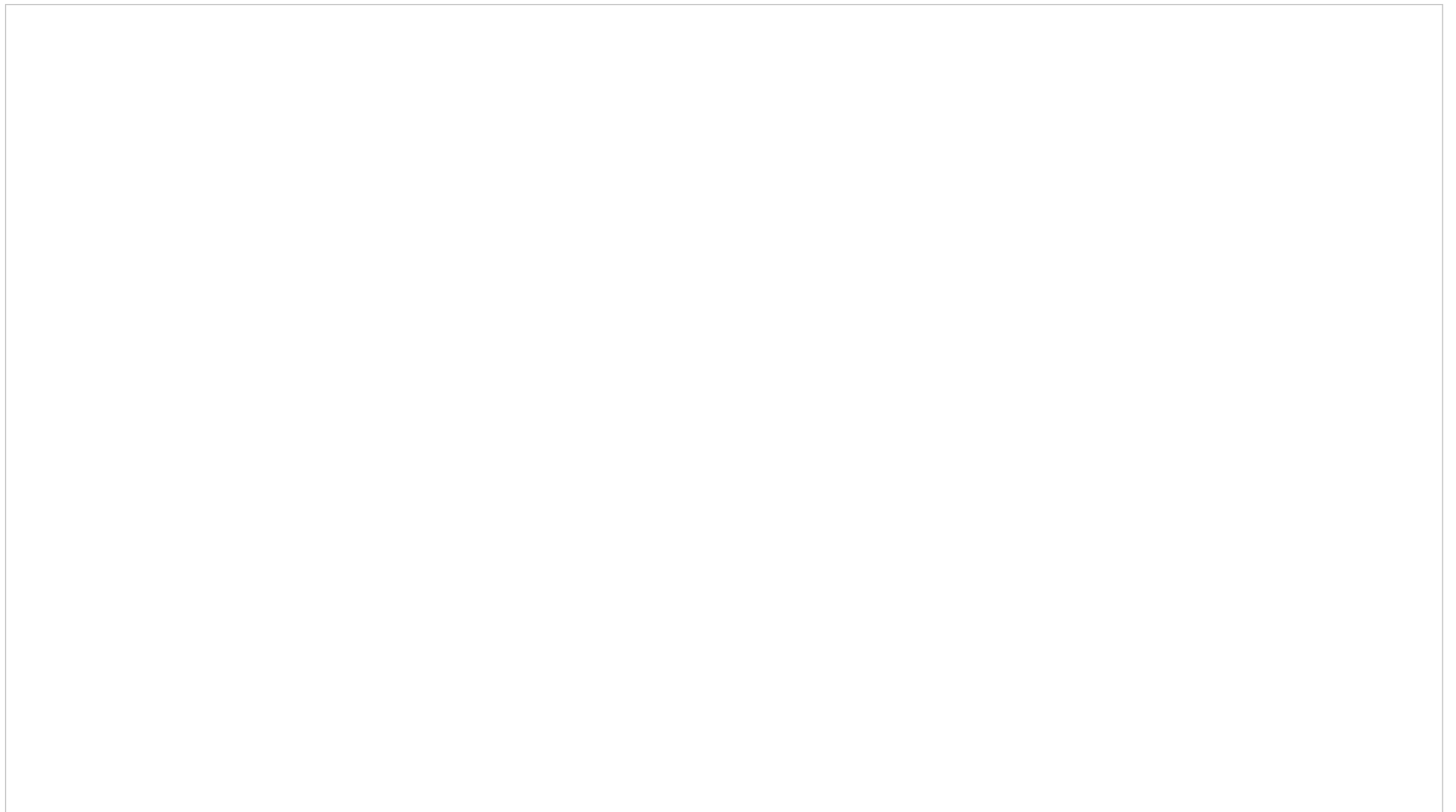
One important note is that Virginia is also at high risk even though its anti-trans bills were

beaten this cycle. That is because Glen Youngkin is using the powers of the governorship to directly target transgender youth. His model **anti-trans school policies** will result in forced outing of trans students, bathroom bans, pronoun bans, and more should they be adopted.

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Moderate Risk States



- Alaska
- Wyoming

This list has shrunk to only two states. Both of these states have proposed anti-trans policies, but both have also shown little appetite to even touch the worst ones - things like care bans and drag bans. Wyoming activists entirely beat back all anti-trans laws except for a sports ban, and Alaska has pursued anti-trans bills in school contexts but has shown no appetite for the worst legislation.

Low Risk States

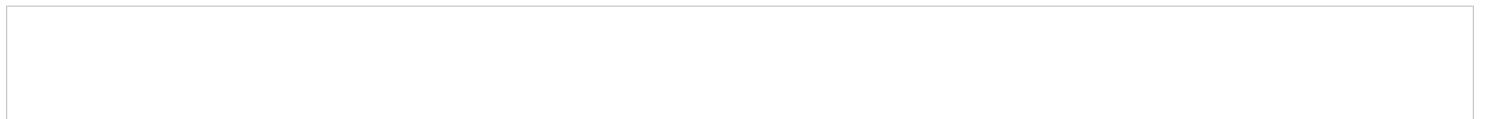
- Arizona
- Delaware
- Maine
- Michigan
- Nevada
- New Hampshire
- Pennsylvania
- Rhode Island
- Wisconsin

These states have a low risk of enacting extreme anti-transgender legislation within a single election cycle. Still, these states are unified by a lack of the strongest transgender protections. States like Pennsylvania, Rhode Island, and Delaware all lack major healthcare protections for transgender people and are not currently **considering refugee bills** protecting trans people who are fleeing the aforementioned unsafe states.

Arizona and Wisconsin saw positive election results last cycle and they remain low risk. Arizona has seen a number of anti-trans bills pushed forward, but there has been no indication that the Democratic governor has any interest in signing them.

Michigan remains in this category despite the passage of its equality act. It still lacks other major protections such as a refugee protection law from other anti-trans states, coverage for modern standards of care in health insurance, no-hassle removal of publication requirements for name changes, mandated LGBTQ+ teaching in schools, and a banning of the gay and trans panic defense.

Most Protective States



- California
- Colorado
- Connecticut
- Hawaii
- Illinois
- Maryland
- Massachusetts
- Minnesota
- New Jersey
- New Mexico
- New York
- Oregon
- Vermont

- Washington
- Washington, D.C.*

Transgender people in these states are better protected culturally and legally than in other states. States like [Hawaii](#), [Colorado](#), [Maryland](#), and [Washington](#) maintain explicit transgender healthcare policies that cover surgeries that often go without coverage in other states. The vast majority of states in this category have also passed refugee/safe state laws that protect trans people fleeing other states from investigation. Other states in this category like Illinois, Oregon, and New York maintain a strong history of transgender protections and show yearly legislation proposals to further protect transgender residents.

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3 Comments



Write a comment...

 **Chew** Writes Chew's Substack 3 hr ago
Thank you as always for making these maps. Still heartbreaking to see all the red, but I find solace in knowing we will win in the end.

 LIKE (2)  REPLY ...

 **Joel Crump** 3 hr ago
We have to work to challenge unconstitutional laws, and to have a Supreme Court that will uphold the Constitution. I would like to believe the Court will rule the right way, but given what happened with the abortion precedent being overturned, I can't bet on it. Trans rights are on the ballot, in presidential and senatorial races.

 LIKE (1)  REPLY ...

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