

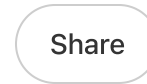
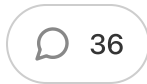
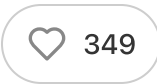
May Anti-Trans Legislative Risk Map

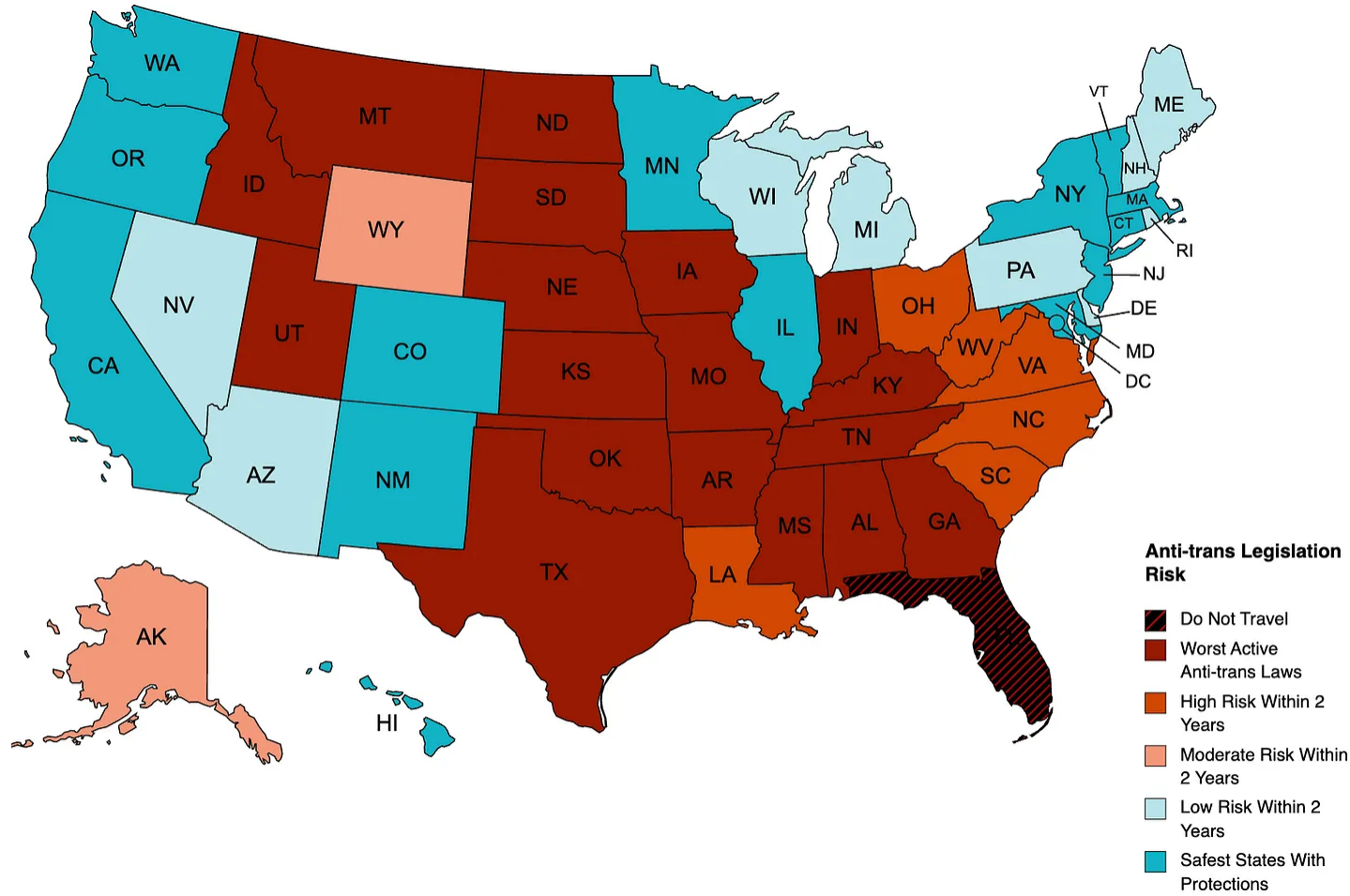
The map of anti-trans risk has polarized into two Americas - one where trans people have full legal protections, and one where they are persecuted by the state.



ERIN REED

MAY 20, 2023





***This map is the most up to date version as of 5-19-2023 and takes into account all recent movement on anti-trans legislation.

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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 of our rights to exist in public life.

Methodology

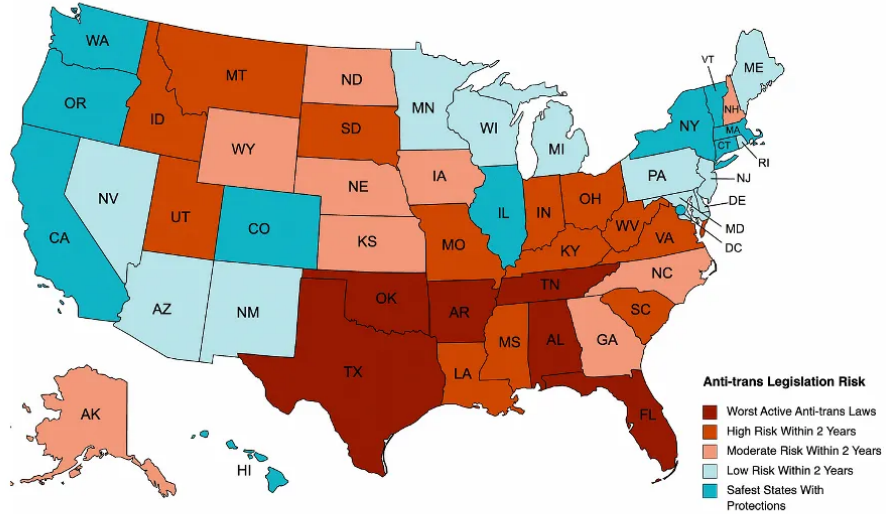
The methodology I use is qualitative. I know the partisan breakdowns of the various states. I have read all 530 bills that target trans people in America. I have watched hundreds of hours of hearings on anti-trans legislation and am fully aware of all of the players nationally as well as where they are making their pushes against trans rights. I have followed the vote count 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 Democratic victories at the state level. I am looking at how similar states are moving in their legislative cycles. Lastly, I watch for statements by governors and bill drafts to see if the Republican party in various states seems to be pushing anti-trans legislation heavily - you can see many examples of such legislation on this newsletter.

Changes On This Map

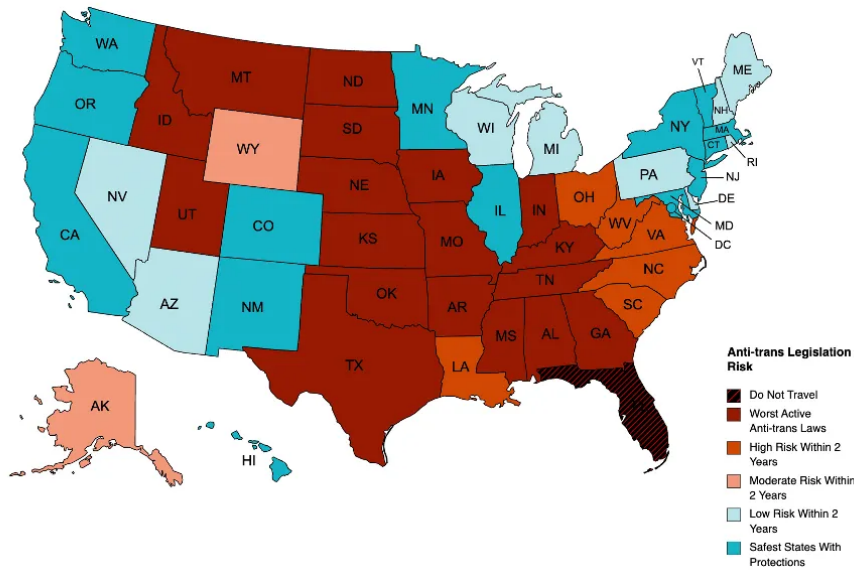
The map has evolved in recent months, and the story of its evolution is one of an America that has split into two countries - one in which transgender people are being given full legal protections, and one in which states have enacted policies to bring about the community's eradication. That evolution progressed in the latest map. Before introducing you to the changes over the last map, this is a good time to look at how the map has changed since December, 2022, before state legislatures entered into session.

See the changes here:

December 2022



May 2023



Changes in risk map

This map illustrates a stark divide. Nearly all states with any potential for passing harsh anti-trans laws have done so. The exceptions are Wyoming and West Virginia, the only two states that adjourned without implementing a complete ban on trans youth hormone therapy.

On the other hand, states with a low likelihood of passing such laws have enacted highly protective legislation, including refuge/shield laws that block extradition and investigations into care from out of state.

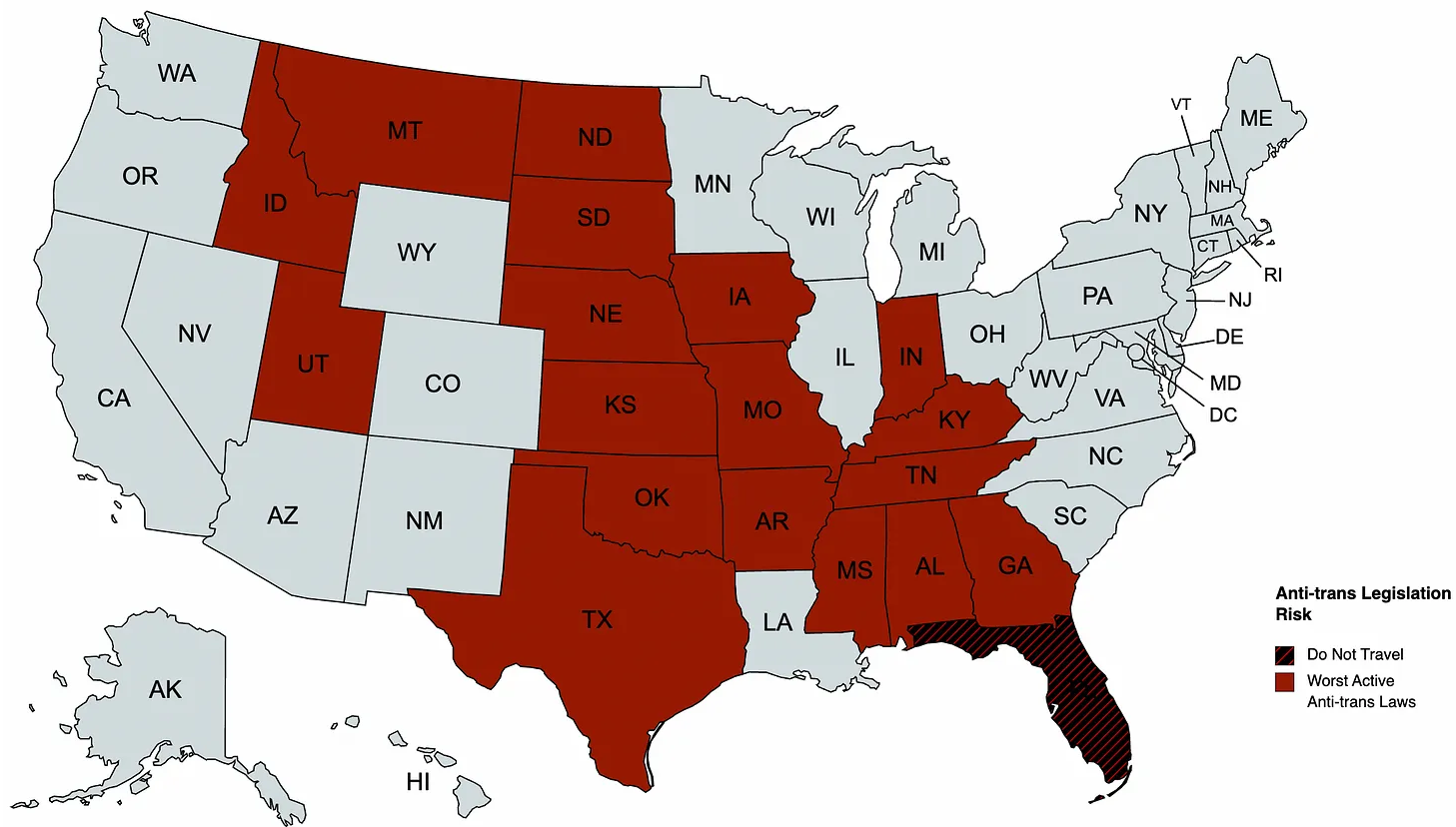
Since the last map, several states have adopted severe laws. Florida stands out, falling into an entirely new category labeled "Do Not Travel." The state enacted a transgender bathroom ban and a law that eliminates 80% of all transgender adult care. It also introduced provisions potentially endangering the custody of trans youth with affirming parents. The cumulative effect of these bills warrants Florida's new risk category. Equality Florida, a large statewide LGBTQ+ organization, concurs and warns that the state may be unsafe for LGBTQ+ individuals and their allies in their own travel advisory.

Other states have also enacted harsh anti-trans laws, though none rival the extent of Florida's legislation. North Dakota, Nebraska, and Missouri all approved bans on gender-affirming care for transgender youth. Kansas, while not approving a gender affirming care ban, approved a bathroom ban. Missouri almost fell into the "Do Not Travel" category due to a policy targeting transgender adults. However, the state attorney general recently rescinded the policy. As a result, all these states have been escalated to the "worst anti-trans laws" category.

On the other hand, several states have made strides in recent weeks. New Hampshire repelled all its anti-trans legislation and has been reclassified as low-risk. Both Vermont and New Jersey implemented laws or policies that establish them as refuge states for transgender individuals

escaping persecution elsewhere. These states safeguard transgender care from out-of-state investigations or extradition.

The Worst States



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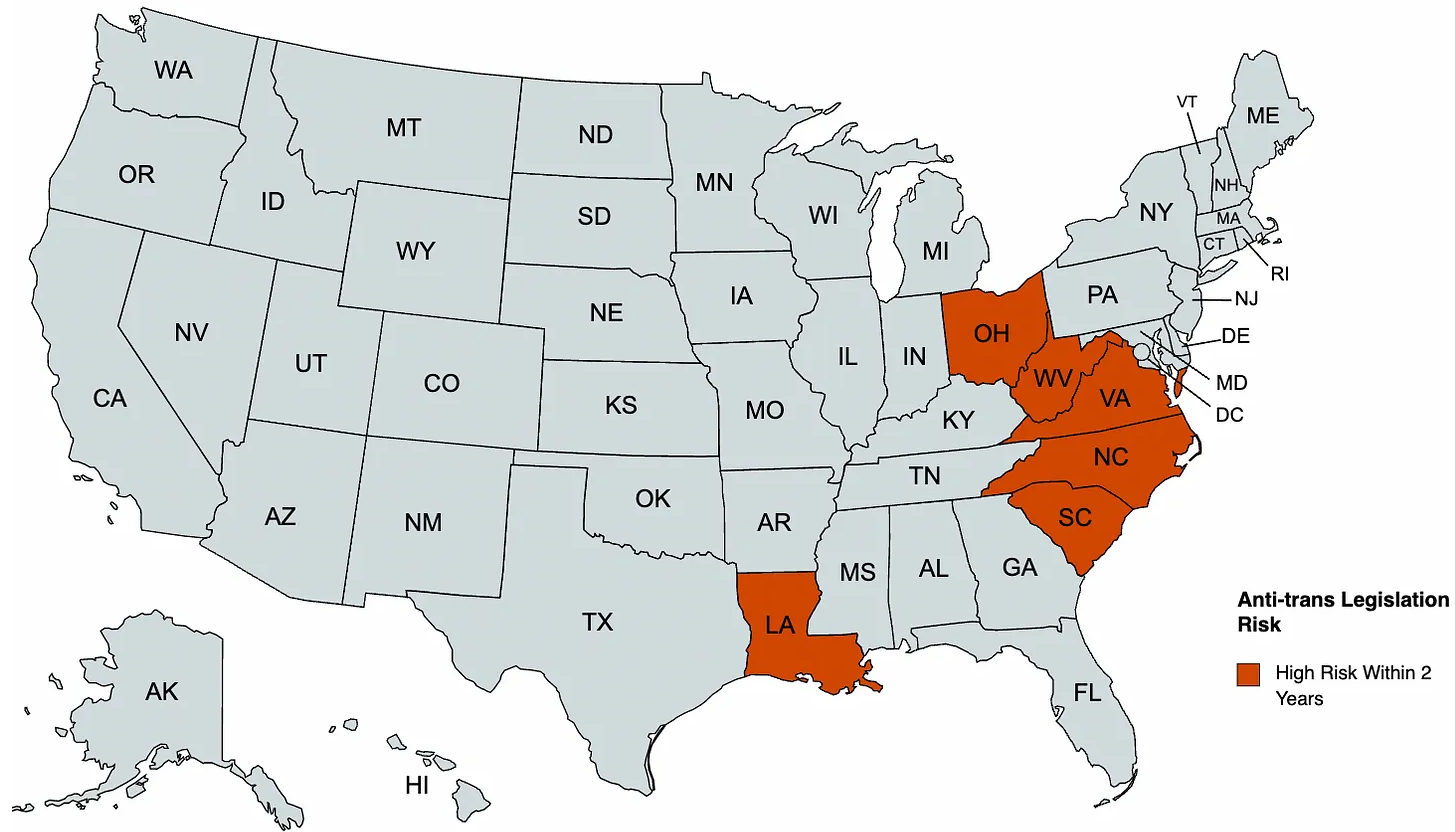
- Alabama
- Arkansas
- Florida
- Georgia
- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky
- Mississippi
- Missouri
- Nebraska

- 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



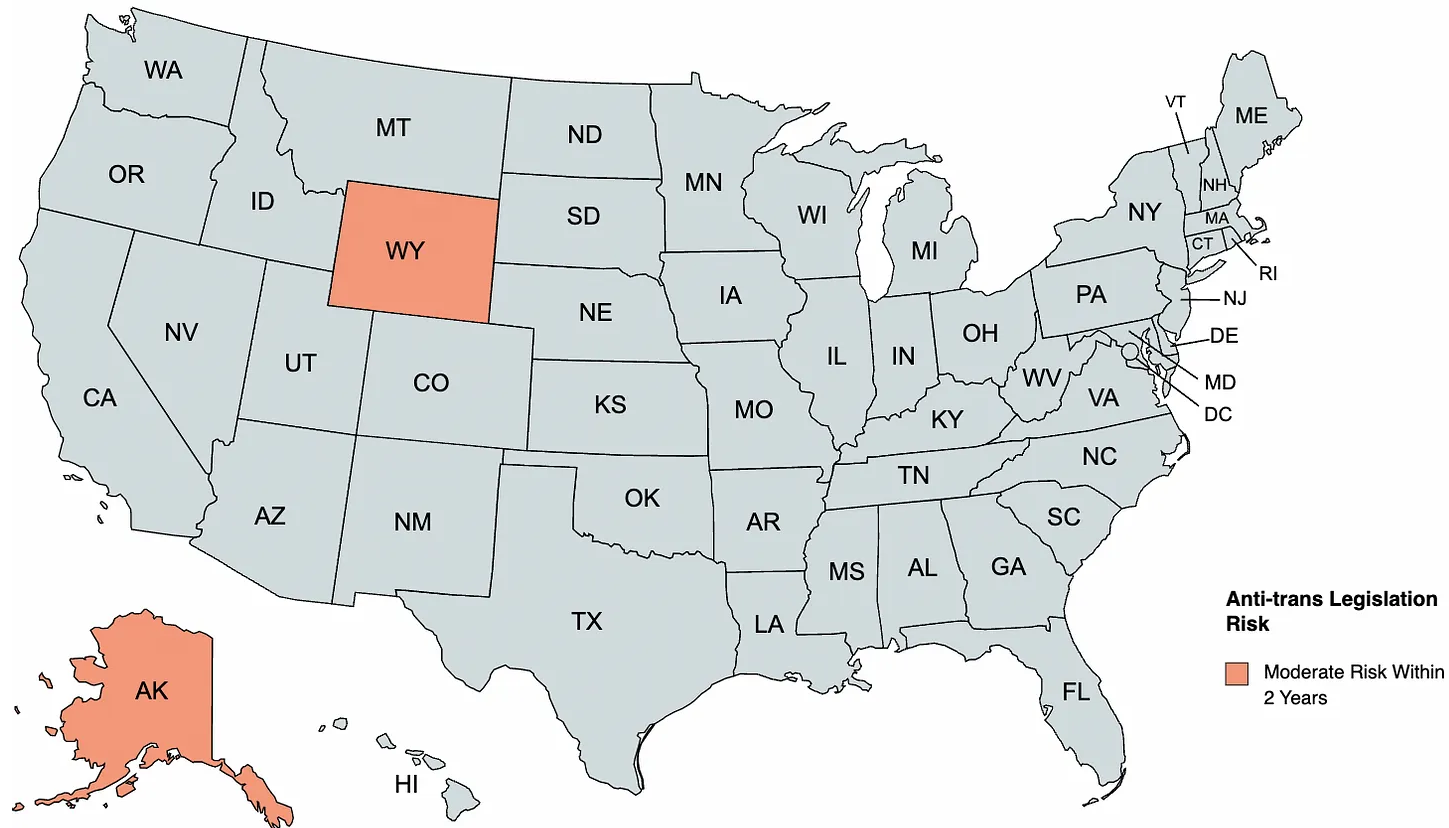
- Louisiana
- North Carolina
- Ohio
- South Carolina
- Virginia

- 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 introduced an essential exception for "severe dysphoria," enabling many trans youth to continue receiving care. North Carolina, South Carolina, Ohio, and Louisiana 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.

Moderate Risk States

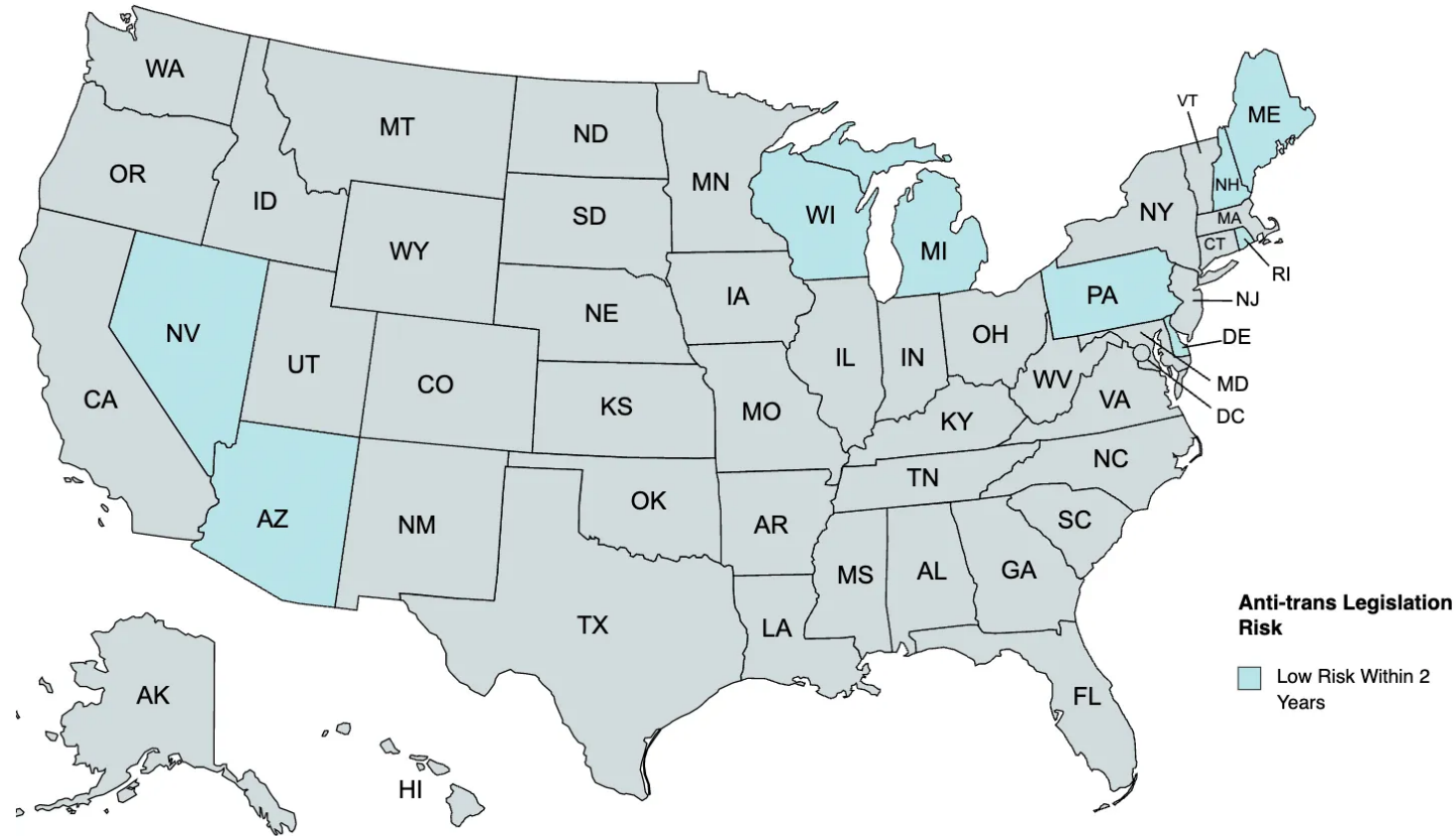


- Alaska
- Wyoming

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

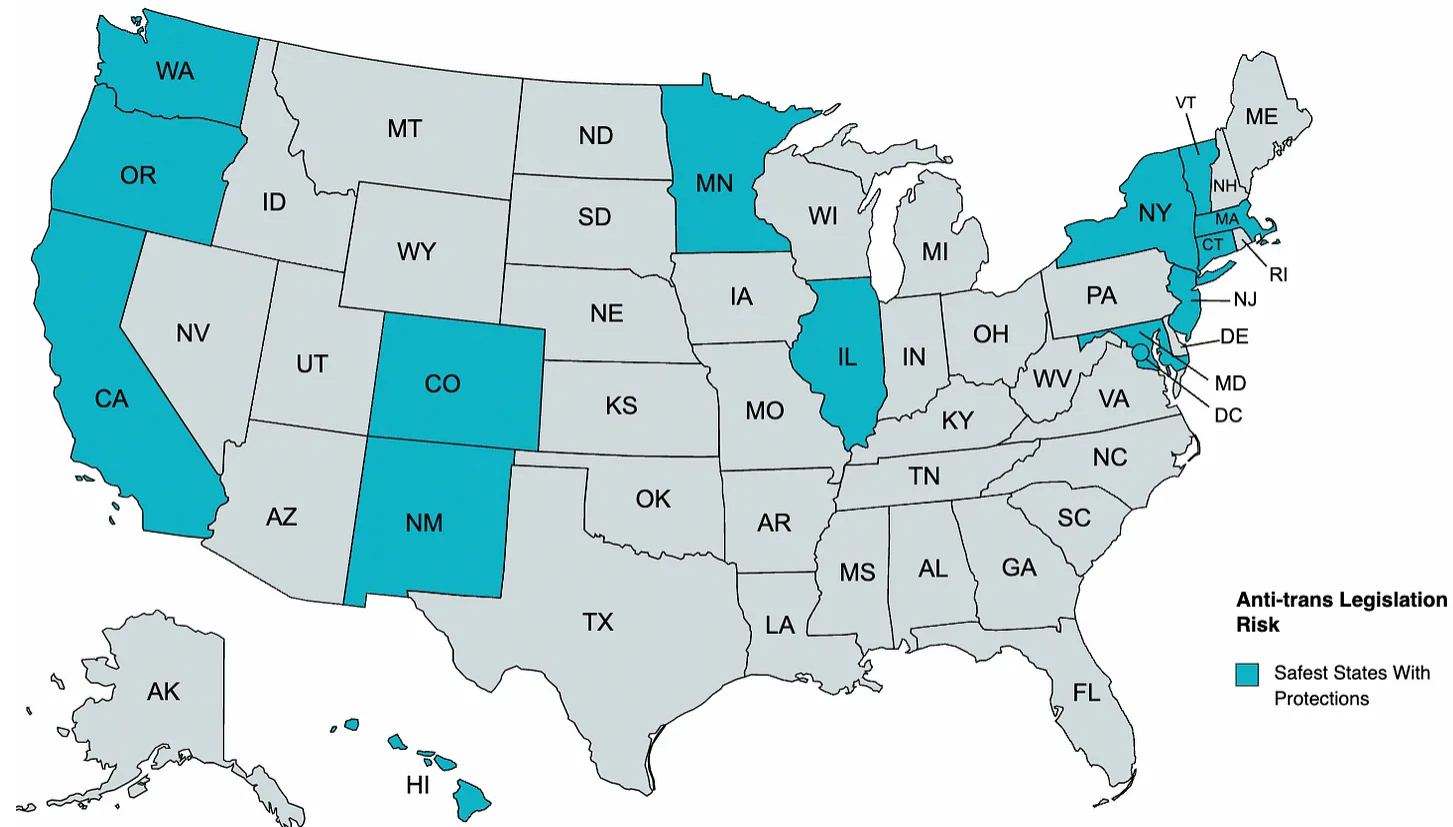
This list has grown by one on this release - after New Hampshire beat back all of its anti-trans legislation, it is likely a low-risk state for the next two years. This risk assessment may change with the 2024 election cycle.

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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36 Comments



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Jane Hutchison May 20 Liked by Erin Reed

I wanted to thank you Erin. You are thorough and comprehensive unlike any other news source and you know how vital this is to all of us. I recognize the hard work you do and as discouraging as this

map is I am grateful we have you to put it together for us. Keep up the stellar reporting and make sure to take time for yourself. I am so proud of you.

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1 reply by Erin Reed



Cheryl McCoy May 20

Thank you, Erin!

My 17-year-old trans son and I rely on you for information. Every time we look at one of your maps he says, "Wow, look at all the people who hate me!" After this last map came out, the sea of red was hard to take. I reminded him that the physical size of states doesn't represent their population. So, he printed out a bar chart of population by state then highlighted each state bar in colors from your map. I think helped us both understand how many people are currently affected by trans laws in their state and how many people (slightly more than half the country) live in safe states. If it's not too difficult for you to include a chart along with your maps I think it would add another level of insight to the data.

It's heartbreaking, as you know, for him to see how many states in this country have laws that threaten his rights and humanity, and to realize we can't travel safely to visit his grandparents in FL. But we agree we can't stick our heads in the sand. We are fortunate to live in CA, but we want to support and protect all trans people.

If you haven't heard it enough, you are amazing. Your work is appealing. Thank you!!! Cheryl

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1 reply

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