



Legislative Affairs  
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## 2023 – 2024 Legislative Memorandum

**Subject: Relates to certain prohibitions regarding the legal system and gender affirming care  
S.2475-B (Hoylman-Sigal) / A.6046-B (Bronson)**

**Position: SUPPORT**

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Access to gender affirming care can be lifesaving. Denying young people this care contributes to depression, eating disorders, isolation, and self-harm.<sup>1</sup> A recent study found that transgender youth who received puberty blockers or hormone therapy were 73% less likely to die by suicide over a 12-month period.<sup>2</sup>

And yet, in the 2023 legislative session alone, at least 130 bills have been introduced in at least 34 states targeting medically necessary health care for transgender, gender non-conforming, and nonbinary (TGNCNB)<sup>3</sup> people.<sup>4</sup> Many of these bills seek to ban gender affirming care for transgender youth and establish criminal penalties for providing such care.<sup>5</sup> Eighteen of these bills have become law,<sup>6</sup> and Texas' Governor has ordered the Texas Department of Family and Protective Services to investigate parents who support their TGNCNB children.<sup>7</sup>

In the face of these relentless attacks on gender affirming care and TGNCNB youth, New York is called upon to be a beacon for access to gender affirming care. For this reason, the NYCLU supports S.2475-B (Hoylman-Sigal) / A.6046-B (Bronson), which would send a clear message that New York will not participate in other states' attempts to stigmatize and punish gender affirming care providers, patients, family members, or those who support them.

Under S.2475-B/A.6046-B, if a provider delivers lawful gender affirming care in New York or a patient and their family seek gender affirming care in New York – regardless of where they come from – New York will do everything in its power to shield them from the reach of other states. The bill will protect providers' licensure and prevent medical malpractice insurers from taking adverse action because a provider delivered gender affirming care to a patient who traveled to New York from out of state. The legislation would also prevent New York law enforcement from cooperating with another state's investigation into gender affirming care lawfully provided in New York by preventing New York from arresting or extraditing someone because they provided, aided in, or received lawful gender affirming care in New York and by

prohibiting New York courts from issuing subpoenas in connection with a hostile state’s proceeding related to gender affirming care lawfully provided in New York. And critically, under this legislation, New York will not apply any law in its courts that considers supporting one’s child to obtain gender affirming care as child abuse.

According to UCLA School of Law’s Williams Institute, more than 58,000 TGNCNB youth and young adults are in jeopardy of losing access to care – and, as a result, autonomy over their own bodies – because of the anti-transgender laws that are passing around the country.<sup>8</sup> Just as in the wake of *Dobbs v. Jackson Women’s Health Organization* and the resulting deluge of abortion bans in hostile states, New York has positioned itself as an access state for abortion care, New York is called to be an access state for gender affirming care in the face of other states’ relentless attacks.

New Yorkers understand that supporting a young person on their journey is an act of love. The NYCLU supports S.2465-B/A.6046-B and urges its expedient passage.

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<sup>1</sup> American Medical Association, Resolution: Removing Financial Barriers to Care for Transgender Patients (2008), available at <http://www.imatyfa.org/assets/ama122.pdf>; see *Removing Barriers to Care for Transgender Patients: AMA Resolution Supporting Health Insurance Coverage for Treatment of GID*, GLAD Answers for the LGBTQ Community, Jan. 2017, <https://www.glad.org/wp-content/uploads/2017/01/ama-resolution-fact-sheet.pdf>.

<sup>2</sup> Tara Bannow & Katie Sheridan, *Harassment prompts children’s hospitals to strip websites, threatening access to gender-affirming care*, STAT, Oct. 3, 2022, <https://www.statnews.com/2022/10/03/childrens-hospitals-strip-websites-gender-affirming-care/>.

<sup>3</sup> Because these bills typically include exemptions for identical treatments when forced onto intersex youth, this memo refers only to TGNCNB people without adding an “I” for intersex.

<sup>4</sup> See generally *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures*, ACLU, <https://www.aclu.org/legislative-attacks-on-lgbtq-rights?impact=health> (last updated May 26, 2023) (compiling legislation).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* Bills have become law in Arkansas, Georgia, Iowa, Mississippi, South Dakota, Tennessee, and Utah.

<sup>7</sup> Letter from Greg Abbott, Governor, Texas, to Jaime Masters, Commissioner, Texas Department of Family and Protective Services (Feb. 22, 2022) (<https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf>).

<sup>8</sup> Kerith J. Conron, Kathryn K. O’Neill, Luis A. Vasquez, & Christy Mallory, *Prohibiting Gender-Affirming Medical Care for Youth*, UCLA SCHOOL OF LAW WILLIAMS INSTITUTE, Mar. 2022, <https://williamsinstitute.law.ucla.edu/publications/bans-trans-youth-health-care/>.