

**2023 – 2024 Legislative Memorandum**

**Subject: Relates to certain prohibitions regarding the legal system and gender affirming care  
S.7506-A (Hoylman-Sigal) / A.7687-A (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 past two years, at least thirty bills have passed in states across the country 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> Others empower the family regulation system to intervene in families that support their TGNCNB children.<sup>6</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. And yet, critical gaps have emerged in New York’s recently-enacted shield laws, which aim to prevent the machinery of New York government from facilitating efforts to penalize gender affirming care or reproductive health care. For this reason, the NYCLU strongly supports S.7506-A (Hoylman-Sigal)/A.7687-A (Bronson), which would shore up these laws and 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.

S.7506-A/A.7687-A will align New York’s gender affirming care protections with its protections for reproductive health care, further clarifying that New York State will not be complicit in attempts by other states to punish the provision, receipt, or support of gender affirming care. Moreover, it will extend New York’s existing shield laws’ medical malpractice and professional licensure protections to therapists, speech pathologists, advanced practice clinicians, and other types of providers who offer or gender affirming care or reproductive health care. And, critically, it will clarify that New York courts have jurisdiction over families who move to New York or come to New York so that a child can receive gender affirming care.

According to UCLA School of Law’s Williams Institute, more than 113,900 TGNCNB youth live in states that ban gender affirming care, and 123,600 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>7</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.7506-A/A.7687-A 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), <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 7, 2024) (compiling legislation).

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

<sup>6</sup> See Lindsey Dawson & Jennifer Kates, *Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions*, KFF, Apr. 22, 2024, <https://www.kff.org/other/dashboard/gender-affirming-care-policy-tracker/>.

<sup>7</sup> Elana Redfield, Kerith J. Conron, & Christy Mallory, *The Impact of 2024 Anti-Transgender Legislation on Youth*, UCLA SCHOOL OF LAW WILLIAMS INSTITUTE, Apr. 2024, <https://williamsinstitute.law.ucla.edu/publications/2024-anti-trans-legislation/>.