

March 26, 2021: State Advocacy Update

AMA fights to protect health care for transgender patients

As physicians and leaders in medicine, the AMA is steadfast in its belief that every individual is entitled to high quality evidence-based medical care regardless of gender or sexual orientation and will continue to work diligently to expand access to medical services, reduce stigma for LGBTQ patients and break down discriminatory barriers.

This year, the threat to transgender patients is especially pronounced. More states have filed bills in 2021 that discriminate and harm transgender patients than any year before. These bills drive discrimination, reinforce stigma and erect barriers to care. The AMA's state Advocacy Resource Center remains actively engaged in defeating legislation that would harm transgender patients.

Criminalizing health care for transgender minors

Among the concerning legislation are bills that would criminalize the provision of medically necessary gender transition-related care to minor patients and, in some states, deem such care child abuse. These bills target surgical interventions as well as medications and hormone therapies that delay puberty while the child explores their gender identity.

Legislation of this kind was introduced in 16 states this year. To date, most have been defeated. However, work remains in a few key states, particularly in Alabama (S.B. 10) and Montana (H.B. 427) where bills have passed one chamber and are expected to be brought for a vote in the second chamber.

The AMA views these bills as a dangerous legislative intrusion into the practice of medicine and has been working closely with state medical associations to vigorously oppose them. In letters to legislators (PDF), the AMA has emphasized that it is "imperative that transgender minors be given the opportunity to explore their gender identity under the safe and supportive care of a physician."

Proponents of these disturbing bills often falsely assert that transgender care for minors is extreme or experimental. In fact, clinical guidelines established by professional medical organizations for the care of minors promote supportive interventions based on the current evidence and that enable young

people to explore and live as the gender that they choose. Every major medical association in the United States, including the AMA, recognizes the medical necessity of transition-related care for improving the physical and mental health of transgender people.

Unfortunately, if enacted, legislation of this kind could have tragic consequences. Transgender individuals are up to three times more likely than the general population to report or be diagnosed with mental health disorders, with as many as 41.5% reporting at least one diagnosis of a mental health or substance use disorder. Transgender minors also face a significantly heightened risk of suicide. But research has demonstrated that improved body satisfaction and self-esteem following the receipt of gender-affirming care is protective against poorer mental health and supports healthy relationships with parents and peers. Studies also demonstrate dramatic reductions in suicide attempts, as well as decreased rates of depression and anxiety.

Excluding transgender youth from athletics

Another concerning trend are bills that would prohibit transgender women and girls from participating in school athletics consistent with their gender identity. In some states, a health care provider would need to verify a student's sex.

Legislation has been introduced in more than half of all states this year. Though most have not advanced, some states are moving bills forward. Notably, Mississippi recently became the first state this year to enact such a prohibition into law. Legislation is soon expected to be signed in North Dakota and Tennessee as well.

In 2020, Idaho became the first ever state to enact a ban on transgender minors' participation in youth athletics. The law was challenged and blocked by a federal court in August 2020. The AMA, along with the American Academy of Pediatrics and other health care organizations, submitted a friend-of-the-court brief (PDF) with the Ninth Circuit Court of Appeals noting that the law undermines the accepted approach for treating gender dysphoria.

As the AMA's brief stated, barring transgender females from participating in school-sponsored organized sports consistent with their gender identity frustrates the treatment of gender dysphoria by preventing transgender females from living openly in accordance with their true gender. This lack of treatment, in turn, increases the rate of negative mental health outcomes, substance abuse and suicide. In order for transgender females to live their lives fully in accordance with their gender identity, they must be able to publicly identify and compete as female athletes.

The AMA continues to work with state medical associations to oppose legislation that would compound the stigma and discrimination that transgender individuals face.

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