

THE IMPACTS OF ANTI-TRANSGENDER LAWS AND POLICIES

EVIDENCE FROM EMPIRICAL RESEARCH

Attacks on transgender and nonbinary people have grown exponentially over the past several years, with a record of over 600 anti-transgender state and federal bills introduced in 2024 alone.¹ Though the significant majority of these bills have failed to pass, dozens of state bills have become law this year, joining the growing number of existing state laws limiting legal rights or removing protections for transgender and nonbinary people.² Those aiming to strip transgender and nonbinary Americans of their rights are directing their efforts not only at statehouses but also at the federal legislature and even local school boards. The ACLU has been working tirelessly to stave off these attacks and to support needed policies that expand legal protections.

Research has demonstrated the benefits of laws and policies that expand legal rights for the LGBTQ+ population as a whole,³ and for transgender and nonbinary people specifically.⁴ Supportive laws and policies, such as nondiscrimination laws and inclusive school policies, have been found to have a positive impact on health, wellbeing, safety, and educational success.⁵ Less research has explored the specific impacts of laws aimed at restricting – as opposed to expanding – the rights of transgender and nonbinary people.

There has been a breadth of coverage on the proliferation of anti-transgender laws and policies over the past several years,⁶ but less rigorous examination of the actual impacts of these laws and proposed bills. One would assume they would work as designed, limiting care, resources, and supports for transgender and nonbinary people; however, it is important to

document and understand whether this is the case, as well as examine the full extent of both the intended and unintended effects of these laws.

This brief presents the empirical evidence of the impacts of anti-transgender laws. By “anti-transgender laws,” we mean laws and policies designed to restrict or prevent access or supports for transgender and nonbinary people, including restrictions on discussion and inclusion of transgender or LGBTQ+ topics. Thus, for this brief we use “anti-transgender laws” as a catch-all for a variety of bills, laws, and policies that seek to limit inclusion of transgender and nonbinary people or topics, including gender-affirming care restrictions, educational censorship (both anti-LGBTQ+ and gender-focused), and limitations on access to public spaces or services (e.g. bathrooms).

Some existing scholarship has provided strong overviews of the impact of individual types of laws, such as gender-affirming care⁷ and education censorship,⁸ on individual groups, such as transgender youth⁹ and higher education faculty.¹⁰ By adding to this literature, this brief aims to provide a holistic assessment of the impacts of multiple types of anti-transgender laws on a variety of populations. Our review has identified extensive effects of these laws, not only on transgender and nonbinary people, who are most impacted, but on their parents, educators, the broader LGBTQ+ population, and communities as a whole. This brief discusses five areas of impacts, as evidenced by the research: 1) health; 2) access to health care; 3) economic; 4) educational; and 5) safety and violence.

KEY FINDINGS ON IMPACT OF ANTI-TRANSGENDER LAWS

1. **Anti-transgender laws negatively impact health and wellbeing.** Research on the impacts of anti-transgender laws on health includes reports from transgender and LGBTQ+¹⁸ youth and adults, reports from caregivers, upticks in help-seeking behaviors, and more rigorous analysis comparing outcomes based on state laws, accounting for key controls. Taken together, these studies provide strong empirical evidence that laws greatly impact transgender youth and adults' mental health, including resulting in increased anxiety and depression.
2. **Anti-transgender laws reduce access to health care.** Not surprisingly, the evidence reviewed indicates that, as intended, laws restricting gender-affirming care reduce access to care for many transgender and nonbinary people. Transgender youth, caregivers, and gender-affirming health care providers alike name anti-trans health care laws as posing a barrier to accessing health care. These restrictions not only have a direct effect on outlawing certain types of care, but also an indirect effect as health care providers curb or reduce their practices. Health care providers in several studies discussed receiving pushback, harassment, and threats, as well as being concerned about legal liability. In some cases, this resulted in them leaving the state or limiting the gender-affirming care they offered in their practice, even when that care remained legal. A few studies provide correlational evidence of a relationship between restrictive policies and availability of care, such as fewer specialized mental health providers and decrease in use of medical care by transgender people. Notably, reports in some studies

BY THE NUMBERS – POPULATIONS IMPACTED BY ANTI-TRANSGENDER LAWS

Anti-transgender laws and policies, even though they are not enacted nationwide, have wide-reaching impacts:

- **113,900 transgender youth** in the U.S. have lost access to gender-affirming health care. - Williams Institute¹¹
- **38,600 transgender youth** live in states that have banned access to facilities, such as bathrooms. - Williams Institute¹²
- **120,200 transgender youth** live in states that restrict access to school athletics. - Williams Institute¹³
- **38% of transgender adolescents** live in states with laws or policies restricting their access to gender-affirming care. - KFF¹⁴
- **1 in 5 K–12 public school teachers (20%)** are subject to state education censorship laws; when you include local restrictions, 51% of teachers nationally are impacted. - 2023 American Teachers Survey, RAND Corporation¹⁵
- **55% of U.S. public school districts** have district or state policies that restrict teaching of gender, sexuality, or race. - Fall 2023 American School District Panel Survey, RAND Corporation¹⁶
- **1.3 million public school teachers and 100,000 college and university faculty** are impacted by educational censorship policies, including laws, executive orders, and regulations. - PEN America¹⁷

indicate that the laws may not meaningfully impact access to care for those who did not have access before these laws went into effect, particularly lower-income people and youth.

3. **States with anti-transgender laws pay the price through revenue and population loss.** There is also a body of evidence detailing the economic cost to the communities that pass such laws, particularly through loss of tax revenue and jobs from travel boycotts, event cancellations, and corporation withdrawals. A substantial portion of transgender and LGBTQ+ people – as well as caregivers of LGBTQ+ people – would consider moving, are preparing to move, and, in some cases, have already moved out of states due to restrictive laws.
4. **Anti-transgender censorship laws impede learning, restrict intellectual freedom, and create hostile environments.** A growing body of evidence on bans on sexual and gender inclusion in education indicates these bans are sewing fear and confusion in educators, youth, and families. Trans and LGBTQ+ youth are reporting that these laws make them feel less safe at school and disrupt their feelings of belonging. National surveys of educators, including nationally representative surveys, demonstrate that a substantive portion of teachers have restricted their inclusion and have removed LGBTQ+ (and racial) content in response to the laws. Many indicate these laws damage the student/teacher relationship and harm the most marginalized students specifically.
5. **Anti-transgender laws endanger LGBTQ+ people and their allies.** Research also points to a growing fear, lack of safety, and increase in anti-LGBTQ+ violence as a result of these laws. Trend analysis of FBI crime data and social media harassment indicate an uptick in violence against LGBTQ+ people following anti-transgender legislation, which is substantiated by first-hand reports from youth, caregivers, and medical providers.

RESTRICTIVE LAWS NEGATIVELY IMPACT HEALTH AND WELLBEING

The number of proposed and enacted anti-transgender laws has increased exponentially over the past decade; according to one tracker, the number grew from 18 laws in 2015 to 516 in 2023.¹⁹ Over a similar time period, the mental health of transgender and nonbinary people has declined.²⁰ Analysis of nationally representative surveys administered by the U.S. Centers for Disease Control and Prevention (CDC) (the Behavioral Risk Factor Surveillance System) shows a steep and steady decrease in mental health of transgender and nonbinary people over the better part of a decade. For example, a portion of transgender and nonbinary individuals who had ever been diagnosed with depression more than doubled (from 19.7 % in 2014 to in 51.3% in 2022), whereas the increase in depression diagnoses among the cisgender population was much more slight (from 18.6 % in 2014 to in 21.1% in 2022).²¹ Furthermore, an analysis of the CDC’s biennial Youth Risk Behavior Survey from 2017 to 2019 found an increase in suicidality rates for transgender youth that corresponded to an increase in anti-transgender laws during that timeframe.²²

Additional research directly examines the relationship between anti-transgender legislation and mental health and wellbeing. Looking across cross-sectional surveys, focus groups, correlational studies, and trend analyses, it is clear that restrictive policies have a negative impact on:

- Transgender/nonbinary youth’s and LGBTQ+ youth’s mental health
- Transgender/nonbinary adults’ and LGBTQ+ adults’ mental health
- Caregivers’ and medical providers’ well-being

REPORTS FROM TRANSGENDER, NONBINARY, AND LGBTQ+ YOUTH AND ADULTS

In numerous studies, transgender and nonbinary youth and adults have reported on actual or anticipated harm of these laws on their mental and physical health. Specifically, mental health impacts on youth include increased anxiety, increased depression and suicidality, and increased feelings of sadness, despair, and hopelessness.²³ For example, in a national survey, the vast majority (86%²⁴) of transgender and nonbinary youth reported that debates about anti-transgender laws had a negative impact on their mental health.²⁵ The majority reported that debates about bans that restrict gender-affirming health care make them feel angry (74%), stressed (59%), and sad (56%). Nearly half reported feeling hopeless (48%), scared (47%), helpless (46%), and nervous (45%).²⁶ Discussions of restrictive education laws may similarly impact mental health, with a majority of the youth surveyed saying they felt angry about school sports bans, outing requirements, and book bans. Many also indicated that discussions around those education laws made them feel stressed, sacred, sad, and nervous.²⁷

In a separate survey of 113 transgender and nonbinary youth across the U.S., almost a third (30.6%) said proposed anti-transgender legislation would negatively impact their mental health.²⁸ In response to open-ended survey questions, they indicated that not having access to transition-related care would be devastating to their mental health, resulting in feelings of depression and hopelessness, with some noting it could contribute to suicidality. As one respondent said, “if I lost the hope of medically transitioning, I would end my life.”²⁹ These findings align with the robust research literature about the critical value of gender-affirming care.³⁰

Although much of the research has focused on youth, some studies find that transgender adults are also affected by anti-transgender laws.³¹ In a national study of 14,000 LGBTQ+ adults, 80 percent of transgender and nonbinary respondents reported that gender-affirming care bans had a negative impact on their mental and physical wellbeing.³²

“If I lost the hope of medically transition, I would end my life”

— *Transgender Youth, Dhanani & Totton, 2023*

Similarly, in a nationally representative sample, over three-quarters (79%) of transgender adults noted that recent anti-LGBTQ+ policies and related rhetoric harmed their mental health, with 58 percent saying it had a “very negative” impact.³³ Not only are transgender and nonbinary individuals negatively impacted by these laws, but the broader populations of LGBTQ+ youth³⁴ and adults³⁵ report negative effects on their mental health as well.

REPORTS FROM MEDICAL PROVIDERS AND CAREGIVERS

In addition to the self-reports from transgender/nonbinary and broader LGBTQ+ populations, medical providers and caregivers have also reported damaging effects of these laws. One sample of medical providers indicated that legislation restricting transgender youth from having access to gender-affirming care would have an extremely negative impact on youth’s mental health and physical health, as would proposed laws limiting transgender youth’s access to sports.³⁶ Some providers also discussed the tolls these laws and the related rhetoric have on them and their practice, including increased anxiety, experiences of harassment and hate mail, the need to move out of state, and fear of criminal prosecution.³⁷ A smaller portion of medical providers reported that they would not be impacted by anti-transgender laws because they did not believe their states would pass these types of laws.³⁸

Parents and caregivers have also reported negative impacts of anti-transgender/LGBTQ+ legislation.³⁹ In several studies, caregivers of transgender and gender-diverse youth reported that anti-transgender

legislation has devastating impacts on their children's mental health, including increased anxiety, stigma, and depression.⁴⁰ In a study of almost 300 parents and caregivers across 43 U.S. states, the greatest concern was that these laws would increase their children's risk of suicide.⁴¹ Worries about their children take a toll on their own mental health; parents and caregivers report that anti-transgender/LGBTQ+ legislation has negative impacts on their own wellbeing, including increased fear and anxiety.⁴² Though not assessing the effects of legislation specifically, recent research demonstrated that parents who reported barriers to accessing gender-affirming care for their child had higher levels of anxiety and depression.⁴³

STUDIES COMPARING STATES WITH ANTI-TRANSGENDER LAWS/ POLICIES TO STATES WITHOUT

Individual reports of the impact of anti-transgender legislation are critically important. A different type of study examining the correlation between anti-transgender/LGBTQ+ legislation and mental health provide another way to understand the impacts of these laws.⁴⁴ Numerous studies of this type have found statistical associations between negative laws and poorer mental health.⁴⁵ For example, a study using a population-based sample of over 1,000 transgender adults from the CDC's Behavioral Risk Factor Surveillance System found that transgender adults in states with fewer inclusive and more negative policies had poorer mental health, even when controlling for key individual socio-demographic factors that could otherwise explain differences, like income, age, and race.⁴⁶

In order to further isolate the impact of state laws, some studies have examined the relationship between mental health and restrictive laws, after accounting for other types of state-level factors that might contribute to mental health differences, such as political leanings. A recent study examined the relationship between several anti-transgender/LGBTQ+ restrictive laws and depression among LGBTQ+ youth, accounting for region, state political

party leanings, and demographics. Neither bans on transgender participation in sports nor bans on gender-affirming care were predictive of depression, however, anti-LGBTQ+ education laws were a significant predictor of depression.⁴⁷ Given this study only looked at LGBTQ+ youth in aggregate, it may be that the broader LGBTQ+-related laws (i.e. LGBTQ+ curriculum laws) had a detectable effect on LGBTQ+ youth, whereas the other restrictive laws focused on transgender youth (sports and affirming care bans) and thus were less likely to have a direct effect on LGBTQ+ youth writ large.

Much of the research has focused on youth, and to date there is no research specifically examining the mental health impact of these laws on adults that also accounts for state-level factors that could also explain mental health differences. Although one study of transgender adults did account for other state-level factors of income inequality and religiosity, it examined a broader measure of state-level transphobia that included both anti-transgender laws and attitudes.⁴⁸ Though it did find that those in states with higher levels of transphobia had worse mental health, even after accounting for their own individual experiences of victimization and discrimination, the study could not attribute differences to the laws alone. Further research on the specific impact of the laws themselves on adults that accounts for other state-level factors is needed.

EXAMINATIONS OF CHANGES OVER TIME

The studies discussed previously looked at the relationships between laws and mental health at one point in time ("cross-sectional studies"). Another type of research examined changes over time, such as before and after legislation. One dissertation study examined measures of depression among LGBTQ+ youth both before and after states introduced legislation banning gender-affirming care.⁴⁹ It compared these changes with changes over the same time frame in other states without such bans. The study found a slight yet only marginally statistically significant difference: There was a greater increase in

LGBTQ+ youth's depressive symptoms in states with bans than in states with no bans. However, this effect was not found when only examining the transgender youth sample, perhaps due to a ceiling effect, as transgender youth already had elevated levels of depressive symptoms prior to passage of bans in states with and without bans. As this was a novel approach, the study author recommends replicating this study with other samples, which, unfortunately has not yet been done.

In addition to direct measures of mental health, researchers have also examined the need for mental health support before and after anti-transgender legislation. Using text messages to a crisis hotline as a measure of help-seeking behaviors, one study found a slight but statistically significant uptick in outreach following the introduction of restrictive bills.⁵⁰ Another study investigated the relationship between depression- and suicide-related Google searches and the lifecycle of anti-transgender legislation. Researchers found that searches increased in instances where anti-transgender bills were passed, and they decreased when legislation was defeated (there was no change found when the legislation was introduced, only after it was resolved).⁵¹ It also found that the increase in searches was stronger when multiple bills were passed during a shorter time frame.

RESTRICTIVE LAWS REDUCE ACCESS TO HEALTH CARE, AND NOT JUST GENDER-AFFIRMING CARE

A diverse body of research finds that, as designed, anti-transgender health care laws impose barriers to accessing gender-affirming health care, including increased wait times, increased travel time and

expense, and decreased provider availability.⁵² Furthermore, research indicates that the effects of these restrictive laws go beyond gender-affirming care, reducing transgender and nonbinary people's access to and use of health care altogether.⁵³

REPORTS FROM YOUTH, ADULTS, AND HEALTH CARE PROVIDERS

Both the 2023 and 2024 national surveys of LGBTQ+ young people by The Trevor Project have indicated that nearly two-thirds of those on gender-affirming hormones were concerned about losing access to this care.⁵⁴ A nationally representative sample of LGBTQ+ adults conducted by Data for Progress⁵⁵ asked about impacts of anti-transgender policies and rhetoric, and found:

- Nearly **1 in 4 (24%) transgender adults** reported their **access to gender-affirming care had been interrupted or discontinued.**
- Nearly **1 in 5 (19%) transgender adults** reported **increases in wait times** to receive care.
- **1 in 5 (20%) transgender adults** reported feeling **unsafe seeking medical care** if they were sick or injured due to potential discriminatory treatment.
- Nearly **3 in 4 (73%) transgender adults** reported concerns that **visiting a new health care provider could result in discriminatory treatment or harassment.**
- Nearly **1 in 10 (9%) transgender adults** reported being forced to go to a new clinic in their state for gender-affirming care, and **6% reported having to move or travel out to state to receive care.**

Across studies, a large portion of transgender and nonbinary people reported that legal restrictions reduced their access to care, but in some cases their access to care was already so limited that legal restrictions had less of an impact. For example,

though most of the transgender youth and young adults in one 2023 study stated that the proposed legislation would be harmful, a third (31.5%) believed that, if passed, the gender-affirming care bans would not additionally impact their access, predominantly because they already felt they did not have access to care due to financial, geographic, and/or discrimination factors.⁵⁶ In another study, transgender and gender-diverse adults also noted that legal protections, though necessary, did not necessarily remove barriers to care and wellbeing.⁵⁷ Thus, it's important to note that statewide restrictions on care are not the only barriers transgender and nonbinary people face when seeking the care they need.

Medical providers have expressed real concern about the impact of restrictions on gender-affirming care.⁵⁸ In a 2023 survey of over 200 pediatric endocrinologists, those practicing in states with enacted or proposed gender-affirming care bans reported institutional and legal pressures that could impede their ability to provide care.⁵⁹ These doctors were more likely than their colleagues in other states to report concerns, such as potential legal liabilities. Though none of the doctors surveyed had yet experienced legal or license-related consequences for providing care, across states providers expressed concerns, although more so in states with proposed or passed bans: 74.5 percent vs. 50.0 percent in states without bans were worried about the legal risks of providing care. Doctors in states with bans or considering bans also expressed higher levels of concern for the negative impact providing gender-affirming care might have on their career. Parents and caregivers have noted that it is not only gender-affirming care that might be impacted, but even health care more generally.⁶⁰ In one study, a mother of a 13-year-old transgender child in Tennessee stated that her child's "doctor is now cautious to treat him just as a general practitioner."⁶¹

MAPPING STUDIES ASSESS INCREASED TRAVEL TIMES AND COSTS

Two studies used mapping statistical methods through Geographic Information Systems (GIS) to examine the increased travel required to access care under these restrictive bans. A 2023 study examined youth's access to gender-affirming clinics before and after restrictive policies⁶² were put into place in their states.⁶³ With the estimated closing of clinics providing care to youth, the average travel time to a

“[My child’s] doctor is now cautious to treat him just as a general practitioner.”

— *Mother of 13 Year Old Transgender Youth in Tennessee, Abreu et al., 2022*

clinic following restrictions increased over 500 percent (from 0.8 to 5.3 hours driving distance) in these states. Even more concerning, the portion of youth in the U.S. living more than an hour drive away from a clinic almost doubled (from 27.2% to 50.0%) and the portion of those living more than four hours away increased from 1 in 100 to 1 in 4.

A study conducted by the Campaign for Southern Equality documented not only the travel time but also the additional economic cost to youth and their families when needing to find care outside of their state due to state restrictions on gender-affirming care.⁶⁴ Specifically, for states in the South, one-way travel time to a clinic serving youth ranged from 1-4 hours before restrictive laws were enacted. Following the laws, the range increased to 3-9 hours. An estimate of such a trip's cost for a youth and one parent/guardian ranged from a few hundred dollars to upwards of almost \$1,000. Given the time and

resources needed to receive care in states with bans on gender-affirming care for youth, it's not surprising that families consider relocating or moving out of state just to continue needed health care.⁶⁵

COMPARISONS OF TRANSGENDER PEOPLE IN STATES WITH AND WITHOUT ANTI-TRANSGENDER LAWS

A study of transgender adults surveyed through the CDC Behavioral Risk Factor Surveillance System found that, even after controlling for key socio-demographic variables, those in states with less supportive transgender-related laws reported longer periods of time since their last medical checkup.⁶⁶ However, this study used one composite index composed of over 30 different positive and negative laws, and thus it could not assess the independent impact of negative laws.

Several studies used data from the 2015 U.S. Transgender Survey, a nationwide survey over 28,000 transgender and gender-diverse people, to examine health care access. One study examined the collective effects of negative policies (Medicaid exemptions for gender-affirming health care and religious exemption laws) and supportive policies (non-discrimination protections and private insurance protections for gender-affirming care). After accounting for relevant individual variables and state variables (region and Medicaid expansion policies), this study found that transgender and gender-diverse individuals in states with less supportive laws and policies were more likely to: be uninsured, skip health care due to stigma, skip health care due to cost, and use non-prescribed hormones (as opposed to prescribed hormones).⁶⁷ For example, the study found that those in states with most stigmatizing laws and policies were “nearly 1.4 times more likely skip [health] care due to anticipated stigma” than those in states with least stigmatizing laws and policies.⁶⁸

Two other studies using the 2015 U.S. Transgender Survey data examined the relationship between state policies (including non-discrimination,

Medicaid and private insurance provisions, and state regulations of name and gender change) and use of both mental and physical health care, accounting for demographics and other relevant individual factors (victimization, discrimination, and health status) along with state-level variables (urbanicity, racial makeup, and population density).⁶⁹ Transgender adults in states with more restrictive policies were more likely to report avoiding health care for fear of mistreatment or discrimination.⁷⁰ They were also less likely to report accessing hormone treatment.⁷¹ The 2015 U.S. Transgender Survey data was collected before the most recent uptick in legislation targeting gender-affirming care, illustrating that it is not only state laws that have a negative impact on health care for transgender and gender-diverse people, but also exclusionary government policies, including Medicaid and other types of anti-transgender laws, such as identity-marker restrictions.

Reduced availability of providers is not limited to physical health care. Access to psychological care was assessed in a study of the availability of mental health providers with a specialty of working with transgender youth.⁷² Specifically, states with more negative laws and policies for transgender people had lower rates of availability of mental health providers for adolescent transgender youth, even when accounting for state-level differences such as urbanicity, conservatism, and religiosity that could otherwise explain these differences in providers. Interestingly, though researchers found a difference in availability of trans-related mental health expertise between states with and without anti-transgender laws, they did not find a relationship with other types of adolescent mental health specialties, providing stronger evidence of an effect of anti-transgender laws and policies on availability of relevant mental health care.

STATES WITH ANTI-TRANSGENDER LAWS PAY THE PRICE

In addition to the economic costs to individuals and families who may need to travel to seek health care⁷³ (as detailed earlier in this brief), or to those who move out of state for care or a safer environment,⁷⁴ anti-transgender laws can have broader economic impacts. States and municipalities can face substantive financial losses because of discriminatory policies.

FISCAL IMPACT ANALYSIS

In 2021, the majority of respondents to a national survey of LGBTQ+ Americans⁷⁵ planned to act against anti-transgender laws, including by boycotting travel, events, and companies in states with these laws.

Fiscal analysis of the actual monetary impact of anti-transgender legislation in North Carolina⁷⁶ and Tennessee⁷⁷ quantified the loss of funds due to corporate withdrawals and boycotts. Analyses conducted in 2017 by the AP⁷⁸ and Politifact⁷⁹ concluded that enactment of the Public Facilities Privacy & Security Act in North Carolina, consisting of an anti-transgender bathroom ban and a prohibition of LGBTQ+ inclusion in discrimination laws, had cost the state \$3.5-5.5 million, including lost revenue from events and thousands of jobs (estimates ranging from 1,400-2,900). The AP claimed that other analyses (e.g. from Deutsche Bank) also estimated significant financial losses due to these laws, and many prominent corporations (e.g. NCAA) withdrew events due to the law.⁸⁰ Though this law was subsequently repealed, the state had already lost revenue and jobs. Supporters of the bill did acknowledge the purported economic impact, but claimed it was insignificant given the small portion of North Carolina's overall GDP (approximately 1%).⁸¹

Enactment of an anti-transgender bathroom ban and a prohibition of LGBTQ+ inclusion in discrimination laws cost the state \$3.5–5.5 million.

— *The AP and Politifact on North Carolina's Public Facilities Privacy & Security Act*, Dalesio & Drew, 2017; Doran, 2017

The Tennessee General Assembly's fiscal analysis of bills (HB239/SB1440, eventually signed into laws in July 2023) restricting definition of sex, including on government-issued IDs, noted that they could cost the state over \$700 million in loss of federal funds alone.⁸²

REPORTS OF MOVING OUT OF STATE

There is evidence that anti-transgender laws may deter people from moving to a particular state for employment or to attend school, resulting in a negative impact on the state's economy through loss of tax base, worker base, and tuition fees.⁸³ Transgender parents/caregivers and transgender adults reported that they have moved or would consider moving out of state due to anti-transgender laws, either to be able to access needed health care and/or because of the hostile climate.⁸⁴ Newly released data from the 2022 U.S. Transgender Survey, a large national sample of transgender, nonbinary, and gender-diverse individuals, found that almost half (47%) considered moving out of state because of the proposal or enactment of anti-trans laws in their state, and 1 in 20 (5%) transgender/nonbinary adults had already moved out of state. (The most common states they left were: Alabama,

Arizona, Florida, Georgia, Missouri, North Carolina, Ohio, Tennessee, Texas, and Virginia).⁸⁵

A more recent survey found that in states that have already passed restrictions on gender-affirming care, an overwhelming majority of transgender and nonbinary adults (70.5%) reported that they had either already moved out of state or are actively taking steps to do so. Of those living in states without gender-affirming care bans, 82.6 percent reported that they would take action to avoid living in a state that did have such a ban.⁸⁶

These laws may not only keep transgender and nonbinary people out of their state, but a proportion of LGBTQ+ people more broadly (34.1%) reported that they have taken steps or would take steps to move out of a state with these gender-affirming care restrictions.⁸⁷ In another study of LGBTQ+ parents in Florida, over half considered moving out of state due to the “Don’t Say Gay or Trans” law, and a portion (16%) had already begun taking action to leave the state.⁸⁸ A small portion of educators at the K-12 and at the university level also reported that anti-LGBTQ+ educational censorship laws may cause or have already caused them to leave their school or their state.⁸⁹

The passage of restrictive laws may have an impact on geographic decisions for more than just those who are directly impacted. A study of a general population sample of approximately 1,000 adults examined the impact of state LGBTQ+ rights laws and abortion laws on interest in moving to a new state.⁹⁰ Their findings indicate that even after accounting for demographics, political beliefs, and general willingness to relocate, these restrictive state policies play a factor in moving decisions. Specifically, they are more likely to serve as a “push” factor than a “pull” factor; a greater portion of people would choose *not* to move to a state with the restrictions than would choose to move to a state with the restrictions. Interestingly, even among those with political leanings aligned with these laws, these restrictive laws were not found to be a strong “pull” factor, in that, these laws would not necessarily draw them to the state.

ANTI-TRANSGENDER/ LGBTQ+ LAWS IMPEDE LEARNING, RESTRICT INTELLECTUAL FREEDOM, AND CREATE HOSTILE ENVIRONMENTS

A growing body of evidence highlights ways in which anti-LGBTQ+ education laws cause confusion, fear, and anxiety among educators,⁹¹ and the proliferation of anti-transgender laws, even those not specific to education, can negatively impact the school climate and student experience.

National surveys of educators have assessed educators’ responses to the recent bout of educational censorship laws. Results from a Pew Research survey indicate that a substantive portion of public K-12 teachers (41%) believed that political debates about LGBTQ+ and race issues in schools negatively impacted their ability to do their job.⁹² A similar percentage of school district leaders (40%) expressed concern that the political discourse about LGBTQ+ issues was interfering with the ability to provide a quality education.⁹³ It is worth noting that a small portion of educators across levels (secondary, higher education) did note some positive impacts of these laws, mainly regarding providing clarity around challenging and complex issues.⁹⁴

In a different national survey of educators in “underserved communities,” 8 out of 10 respondents (81%) reported that the discussions around restrictions or banning of books are harmful to students; roughly the same portion (78%) indicated that they discredit and instill fear in educators.⁹⁵

REPORTS FROM EDUCATORS AND PARENTS

Research demonstrates that these laws and accompanying debates sowed fear in educators, causing anxiety about what they can and cannot teach, often resulting in a chilling effect on educator speech and increase in harmful educational practices.⁹⁶

Research on K-12 Teaching

The State of American Teachers Survey, an annual nationally representative survey of K-12 public school teachers administered by RAND, provides a clear picture of how classroom censorship bills impact teaching and learning.⁹⁷ In 2023, more than 8 in 10 teachers working in schools under state or local restrictions had limited classroom discussions of political or social issues. Though clearly highest in areas with restrictions, the impact of censorship bills is not limited to those areas under legal jurisdiction, but instead has a ripple effect across the country; even in areas without restrictions, a majority (55%) of teachers reported limiting such discussions.⁹⁸

The American Instructional Resources Survey (AIRS), another nationally representative study of educators from RAND, provides a deeper look into how formal curriculum and instructional materials may be impacted by educational censorship laws. Out of the 8,530 public school teachers surveyed, more than 1 in 4 teachers nationwide (26%) reported that limitations on teaching about race and/or gender caused them to change what or how they taught.⁹⁹ Teachers in states with restrictive laws were more likely to have changed their teaching practices (33 percent of teachers in states with laws, compared to 22 percent of teachers in states without).¹⁰⁰ In states with restrictions, teachers' reports of changing practices significantly increased from 2022 to 2023, whereas in states without restrictions, teachers' reports of changing practices stayed relatively constant. For example, one-third of teachers (33%) in Florida reported changing their practices in 2022; by 2023 it had increased to over half (55%). Though this RAND study did not explore how the teachers' practices changed, similar research by RAND

suggests that restrictions led to teachers being more hesitant to include race, gender, and LGBTQ+ content in their curriculum and instruction.¹⁰¹ As one high school English teacher discussed, "If I followed the state law to the letter of the law, I couldn't teach basic history or connect student learning to current topics and modern books."¹⁰²

"If I followed the state law to the letter of the law, I couldn't teach basic history."

— *High School Teacher,*
Woo et al., 2024

By and large, these restrictive laws are viewed as harmful by those who are charged with implementing them.¹⁰³ In open-ended responses, thousands of teachers (3,707) provided additional details on these impacts. Specifically, they indicated that the restrictions: limited students' access to knowledge, prevented students from seeing themselves reflected in the curriculum, decreased exposure to different perspectives, impeded development of critical thinking skills, and diminished engagement in learning.

Teachers also worried that as result of these restrictions, students would not develop the skills to engage in thoughtful, productive discourse about the world around them, in school and later in life. Furthermore, many expressed concerns that these restrictions harmed not only school settings, but also the country at large, including perpetuating inequality and discrimination.

In the 2022 State of American Teachers Survey by RAND, some educators reported specifically removing LGBTQ+ content, along with content on race and gender, from the curriculum on account of these restrictions. Some reported being afraid to discuss families with two moms or two dads, or to use any content featuring LGBTQ+ characters. The

RAND study also surveyed public school principals, and these school leaders were even more likely than teachers to indicate that legal restrictions had impacted educators' teaching.¹⁰⁴ For example, in states with legal restrictions, almost half of principals (49%) believed they impacted teachers' instruction, compared to 33% of teachers. Given principals reported on all teachers, as they speak for the school as whole, it bears to reason that half (49%) of schools in states with restrictions have noticeably changed their instructional practices because of these laws.

Other research corroborates the findings of the RAND surveys. In a separate national survey of educators in "underserved communities," nearly two-thirds of educators (65%) said that book banning is having a negative impact on their ability to teach.¹⁰⁵ Nearly half (46%) reported that publicized challenges to books might impact their book decisions for their classroom; 7 percent had already removed books from their classroom because of actual bans or challenges, and 14 percent removed books because of concerns about potential bans. In another study, 3 in 10 LGBTQ+ parents reported that books on LGBTQ+ topics had been recently removed from school classrooms or libraries.¹⁰⁶ Small-scale studies of educators in Virginia¹⁰⁷ and Texas¹⁰⁸ showed similar results: Following the passage of educational censorship laws in their states, educators identified ways in which these laws had impacted classroom teaching, including limiting materials used and avoiding specific conversations had with students.

Thus far, research on the impact of these recent educational censorship laws has predominantly drawn from the direct reports of educators and parents. Research that statistically compares conditions in states with educational censorship laws to conditions in states without such laws was conducted with earlier manifestations of educational censorship laws. Specifically, studies of the impact of what has been referred to as "no promotion of homosexuality" laws, or "no promo homo" laws, demonstrate the damaging impact that laws restricting LGBTQ+ inclusion can have. For example, even after accounting for demographics,

school characteristics, region, state education expenditures, and political leanings, studies showed that LGBTQ+ students in states with "no promo homo" laws were less likely to report that they were taught about LGBTQ+ people or topics at all, and more likely to report being taught negative LGBTQ+ representations.¹⁰⁹ Reports from a national sample of middle and high school teachers corroborate students' accounts: Teachers in "no promo homo" states were less likely to report including LGBTQ+ topics and people in their curriculum than teachers in states without such laws, even after accounting for demographics, region, state education expenditures, and state political attitudes.¹¹⁰

It is important to note that, according to the research, in some cases, teachers did not change their practices or curriculum. For those who indicated that these laws did not impact their teaching, it was either because they felt the specific law did not apply to them (e.g., it was outside their grade level), that they already were in compliance with the law (e.g., they were not discussing these topics), or that they were continuing to address the topics as they always have despite the laws.¹¹¹ Some even indicated that, faced with restrictions, they doubled down on their inclusion, becoming more proactive in spite of the bans, primarily in order to ensure that students received this needed education somewhere.¹¹² Some parents have also not noticed changes in educator practices; a relatively small portion of LGBTQ+ parents in one study had not noticed changes in their child's school following education censorship law, mainly because they were at private schools and/or progressive communities that they believed were relatively insulated by such restrictions.¹¹³

Research on Higher Education

Though there is less research on educators' perspectives in higher education, existing research indicates that college and university faculty share many of the same concerns as their K-12 counterparts, including confusion about specific aspects of the law. In a study of LGBTQ+ faculty from multiple states, a small portion indicated that they had stopped teaching about certain issues,

such as LGBTQ+ topics, as a result of educational censorship laws.¹¹⁴ A greater portion said that they actually increased their discussion of these topics in opposition to the legislation, though these educators tended to be in more secure positions, i.e. tenured, whereas newer faculty were more cautious and fearful, and more likely to restrict their teaching.¹¹⁵

Florida public university faculty were surveyed following the passage of legislation allowing classes to be recorded and providing a legal course of action for students who feel aggrieved. Though politically neutral on its face, many have argued that the intent and impact of the law is to restrict more liberal, progressive speech.¹¹⁶ The 187 survey respondents appeared to agree that this law is a threat to educational freedom and will have a chilling effect on classroom discussions. As one professor in this study stated: “I have to lecture about ‘sensitive’ topics and have become nervous during these lectures. For example, it is in the textbook and should be common knowledge that homosexuality is genetic. Seeing recent legislative sessions where the elected officials talk about homosexuality as being temporary, I am nervous that my lectures can be used against me.”¹¹⁷

Professors also described being monitored and even required to submit records related to diversity efforts. One faculty member reported, “My emails were audited for gender-affirming care in the clinical realm as I am also a clinician on campus.”¹¹⁸

Another concerning side effect of these restrictive laws, educationally related or otherwise, is a potential limiting of future educational options for LGBTQ+ students, particularly transgender students, who may exclude schools or entire states for consideration due to health and safety concerns. Some faculty have reported that students are choosing not to attend schools in hostile environments.¹¹⁹ The educational experience of students who are in schools in states with restrictions may also suffer due to the flight of educators who leave the states or choose to leave teaching altogether as a result of these education bans, as has been reported by some teachers.¹²⁰

RESEARCH ON SCHOOL CLIMATE AND RESOURCES

Educators reported a more hostile climate on campus and in communities as a result of anti-LGBTQ+ bills and related discussions, including negative impact on feelings of inclusion and supportive resources.¹²¹ Transgender and nonbinary youth are additionally impacted by lack of access to gender-affirming facilities or practices.¹²²

Research on School Connectedness and Inclusion

For many teachers, the effects of these restrictions were not limited to the content they teach and that students learn; some reported that these laws have had a negative impact on their relationships with students.¹²³ Educators noted that having to police discussions and limit the curricular materials they use has hindered their ability to engage with and connect with students.¹²⁴ Furthermore, some LGBTQ+ educators reported being less out about their identities and more guarded for fear of repercussions.¹²⁵ Data from a national sample of LGBTQ+ students corroborates educators’ reports; LGBTQ+ students in states with “no promotion of homosexuality” education laws reported knowing fewer educators who were supportive of LGBTQ+ youth and were less comfortable talking to teachers about LGBTQ+ issues as compared to their peers in states without such anti-LGBTQ+ laws.¹²⁶ These differences held even when accounting for state-level characteristics that might otherwise explain such differences, such as education spending and political attitudes.

In addition to educational censorship laws, other anti-transgender laws have negatively impacted students’ school experience. These laws specifically ostracize and exclude transgender and nonbinary youth from the full participation in education. For example, a national survey found that transgender and nonbinary youth living in states with a sports ban were, as the law intended, less likely to be involved in school sports.¹²⁷ Transgender and nonbinary students attending school in states with anti-LGBTQ+ laws (not merely education laws) were less likely to

be called by their chosen name and pronouns than students in states without these laws, even after accounting for key demographic variables and region (although not for other state-level characteristics).¹²⁸ This same study did not find a relationship between bathroom access and anti-LGBTQ+ state laws, however the analyses combined all anti-LGBTQ+ laws and did not examine bathroom bans explicitly.¹²⁹ Yet, a study that did specifically examine state bathroom bans found that transgender and nonbinary students attending school in states with bathroom bans were less likely to use the restroom when at school compared to students in states without such bans, a practice that can have serious consequences to students' health.¹³⁰

Research on School Resources and Supports

Drawing from a national survey of LGBTQ+ secondary students, a study of the impact of “no promotion of homosexuality” laws found that even after accounting for demographics, school characteristics, region, state education expenditures, and political leanings, students in states with “no promo homo” laws had less access to LGBTQ+-supportive school resources, including student groups (e.g. GSAs), and LGBTQ+-related resources in the school library and on school internet.¹³¹

Another study examined education practices following the repeal of a “no promo homo” law in Utah drawing from the School Health Profiles data from the CDC.¹³² LGBTQ+-supportive practices, such as availability of “safe spaces” in schools, supportive student clubs (GSAs), and access to LGBTQ+-affirming and trained school health providers, all increased once the restrictive law was repealed, indicating that the law had reduced access to LGBTQ+ resources and supports in schools.

Direct reports from parents and teachers support the conclusions of the “no promo homo” studies, indicating the restrictive laws lead to removal of LGBTQ+-inclusive resources, such as safe space displays (stickers, flags), and displays of diverse families.¹³³ Parents described how this erasure of LGBTQ+ families directly impacted their children. One parent said, “My kindergartener was asked

“My kindergartener was asked not to draw family pictures at school... for the first time, our nine-year-old son has become self-conscious about belonging to a family with gay parents.”

— Florida Parent,
Goldberg, 2023

not to draw family pictures at school...; for the first time, our nine-year-old son has become self-conscious about belonging to a family with gay parents.”¹³⁴

Although most parents studied expressed concern about the damage of these bills, not all did. For example, in a study of LGBTQ+ parents in Florida, a portion (16.2%) of parents were not concerned that the “Don’t Say Gay or Trans” Bill would harm their children.¹³⁵ Some of these parents believed the law did not apply to their child’s age group, and others were skeptical of its enforcement.

ANTI-TRANSGENDER LAWS ENDANGER LGBTQ+ PEOPLE AND THEIR ALLIES

As previously demonstrated, these anti-transgender laws are accomplishing exactly what they were

designed to do, i.e. prevent youth from obtaining gender-affirming care, reduce gender-affirming care access for adults, prevent transgender and nonbinary people from using correct facilities or participating in sports, or censor education. These impacts are concerning enough, however the collateral consequences of these laws are also devastating. A growing body of research indicates that these restrictive laws and the surrounding rhetoric are instilling fear, reducing safety, and increasing violence against LGBTQ+ people and their allies.

REPORTS FROM TRANSGENDER AND NONBINARY PEOPLE, LGBTQ+ PEOPLE, AND MEDICAL PROVIDERS

Numerous studies indicate that these laws have instilled fear in those directly and indirectly impacted, as caregivers,¹³⁶ transgender and nonbinary youth¹³⁷ and adults,¹³⁸ LGBTQ+ individuals,¹³⁹ and gender-affirming care providers¹⁴⁰ report feeling less safe and experiencing growing hostility on account of the anti-transgender legislation. Examples from national surveys include:

- **8 in 10 (79.1%) LGBTQ+ adults and 9 in 10 (94%) transgender and nonbinary adults** report that gender-affirming care bans make them **feel less safe**.¹⁴¹
- **76% of LGBTQ+ adults** familiar with anti-transgender legislation say that these types of bills **make them feel unsafe**.¹⁴²
- **51% of transgender and nonbinary youth** report that state laws requiring schools to out students to their parents **make them feel scared**.¹⁴³

Medical professionals providing gender-affirming care have expressed specific concerns for their safety, and with good reason. In fact, 70 percent of providers in one study reported receiving threats to their personal safety or their practice,¹⁴⁴ with some requiring reinforcement of clinic security and a number specifically referencing death threats. In a survey of over 100 pediatric endocrinologists, it was

found that many providers received actual threats to their personal safety because they provide gender-affirming care, and those in states with restrictive legislation were more likely to receive threats (27.7% vs 11.5% of those in states without restrictions).¹⁴⁵

A national poll conducted by Data for Progress indicates that it is not only medical providers facing harassment.¹⁴⁶ Substantial portions of LGBTQ+ adults, particularly transgender adults, reported biased language and harassment as a direct result of anti-LGBTQ+ policies. Specifically, in the past year, as a result of these restrictive laws:¹⁴⁷

- 42% of LGBTQ+ adults, and **61% of transgender adults reported anti-LGBTQ+ language** directed at them.
- 25% of LGBTQ+ adults, and **46% of transgender adults have experienced harassment or bullying**.
- 23% of LGBTQ+ adults, and **45% of transgender adults have faced discriminatory treatment**.

Qualitative research, write-in survey responses, and interviews with LGBTQ+ parents and transgender and nonbinary youth also described experiences of harassment, discrimination, and violence stemming from anti-LGBTQ+ legislation and related rhetoric.¹⁴⁸ In addition to the direct reports of the dangerous effects of anti-transgender legislation from LGBTQ+ people and their allies, a number of studies have examined the link between legislation and anti-LGBTQ+ incidents.

TREND STUDIES OF HARASSMENT AND VIOLENCE

A study of tweets before and after Florida's "Don't Say Gay or Trans" law saw a 400 percent increase in anti-LGBTQ+ slurs following passage of the law, jumping from an average of 1,307 a day to 6,607 a day.¹⁴⁹ Analysis of data from the Department of Justice's National Crime Victimization Survey and the FBI's Uniform Crime Reporting Survey demonstrated an association between increases

in anti-LGBTQ+ hate crimes and violence and increases in anti-LGBTQ+ policy.¹⁵⁰ For example, after remaining relatively constant from 2011-2017, the anti-LGBTQ+ hate crimes in Texas increased beginning in 2017 when the number of anti-LGBTQ+ bills spiked. Similar trends were found in New Hampshire and Indiana.¹⁵¹

An analysis of campus hate crimes conducted by the Washington Post found a dramatic increase in anti-LGBTQ+ hate crimes at K-12 schools and universities that corresponded with an increase in anti-LGBTQ+ legislation over the same time period.¹⁵² Specifically, according to FBI Hate Crime Statistics data, educational institutions were averaging 108 anti-LGBTQ+ hate crimes per year from 2015-2019, but from 2021-2022, this average more than doubled to 232 per year. Even more telling, though increases in hate crimes were found across the country, the increases were greater in states that had passed anti-LGBTQ+ laws, with anti-LGBTQ+ hate crimes on campus quadrupling in states that passed anti-LGBTQ+ education-related legislation.¹⁵³

Anti-LGBTQ+ hate crimes on campus quadrupled in states that passed anti-LGBTQ+ education legislation.

— *Washington Post Analysis of FBI Hate Crime Data, Meckler et al., 2024*

Some new analyses have examined a link between the murder of transgender people and anti-transgender legislation: Two correlational studies found that as the legislation increased, so did these homicides,¹⁵⁴ and the increase in murders against transgender people from 2015 to 2022 outpaced the increase in general homicide during the same time period.¹⁵⁵

The trend data, along with direct reports from those directly impacted, indicates an increase in anti-LGBTQ+ violence due to the proliferation of anti-LGBTQ+ legislation and the surrounding discussions. One large-scale, national study found, not surprisingly, that people living in states with anti-transgender policies have more negative attitudes towards transgender people, even when accounting for gender and race.¹⁵⁶ Regardless of whether attitudes lead to anti-transgender policies, policies lead to negative attitudes, and/or another factor accounts for them both, it is clear that anti-transgender policies and related rhetoric threaten the safety of LGBTQ+ residents and their allies.

CONCLUSIONS AND RECOMMENDATIONS

Across methodologies and populations, the collective evidence is clear: Anti-transgender laws and policies cause extensive harm, not only to transgender and nonbinary people who are most impacted, but to the broader LGBTQ+ population and to communities at large. Assessing causal impact in real-world contexts with multiple contributing factors is very difficult, but consistent results from various data sources and methods increases our confidence in our conclusions.

The research on the impact of these laws is still nascent. Many of the laws are too new to have strong data on impact, particularly on long-term effects. Thus, most of the research examining differences between states or statistical associations between outcomes and laws has had to examine laws more broadly, specifically a combination of protective (“pro”) and restrictive (“anti”) laws, often in composite fashion. Nevertheless, many cross-sectional surveys and interview studies do focus specifically on anti-transgender laws, and the direct reports from those most impacted by the laws are consistent and clear: These laws cause considerable harm.

In research, the most marginalized are often least represented. Those without access to internet or a device, those with lower literacy or less English proficiency, or those with less free time may be less likely to participate in research studies. Furthermore, by and large, the existing research has not examined the disparate impacts of these laws,¹⁵⁷ though we know that the greatest harms are likely to fall upon the most marginalized, such as youth, low-income people, immigrants, Black people, and Latine people.

The data demands that we stop these anti-transgender laws in their tracks.

Overall, the data from transgender youth and adults, LGBTQ+ youth and adults, caregivers, medical providers, and educators in studies ranging from small, localized samples to nationally representative, population-based surveys tells a consistent story of the damage of anti-transgender laws. The data demands that we stop these anti-transgender laws in their tracks by preventing any new laws or policies from being enacted, repealing existing laws, and challenging unconstitutional laws in court. This requires persistent advocacy at the federal, state, and local levels to educate the public on the harm caused by these laws. The ACLU will not give up this fight and we urge everyone to join us in creating a world where transgender and nonbinary people, and everyone, have the freedom to be themselves.

METHODS

This research brief reviews the publicly available empirical research examining the impacts of anti-transgender laws and policies. We identified 73 research studies that met all the inclusion criteria for this review. Criteria for inclusion: 1) contains original empirical research, quantitative, qualitative, or mixed methods; 2) assesses state law or policy restricting the rights of transgender and nonbinary people or that aims to limit discussion of topics of gender identity or expression; 3) examines specific impacts of law or policy. Restrictive laws or policies focused on LGBTQ+ people more broadly were also included, although studies that only assessed sexual orientation-based laws or policies (e.g. same-sex adoption bans) were not. Some included studies did incorporate sexual orientation-based laws or policies as part of a broader composite LGBTQ+ law index that also included anti-transgender or anti-LGBTQ+ laws.

Because of our focus on negative laws, we did not include research on protective or supportive laws or policies except to the extent that a study included them as part of a composite of laws that also included negative laws. Studies from academic and non-academic sources were included. Predominantly, the research focused on state-level laws and policies. However, some studies asked questions inclusively of state and district/municipality together and in some studies participants provided responses that could be referring to state, local, or federal policies.

We limited this review to empirical research and thus legal analysis without an empirical component was not included. Similarly, we did not examine the impact of laws on the legal system or concepts, e.g. setting precedent.

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