

Statement Opposing Legislation Targeting Transgender and Gender Diverse People
The Society for the Psychology of Sexual Orientation and Gender Diversity (Division 44)
of the American Psychological Association

The Society for the Psychology of Sexual Orientation and Gender Diversity (Division 44) of the American Psychological Association ***strongly opposes*** legislation targeting the health and well-being of transgender and gender diverse (TGD) people. In 2023, anti-transgender legislation has been introduced in the legislatures of 49 of the 50 U.S. states ([Trans Legislation Tracker, 2023](#)). Dozens of these bills have already been signed into law ([ACLU, 2023](#); [Trans Legislation Tracker, 2023](#)). This onslaught of hundreds of anti-TGD bills is intended to limit or restrict access to gender-affirming care for patients or criminalize providers who provide gender-affirming healthcare (e.g., [Mallory et al., 2023](#); [Yurcaba, 2023](#)). Anti-TGD legislation introduced or passed in state legislatures across the United States also limit access for TGD people to public accommodations (e.g., [Brasch & Javid, 2023](#)), restrict participation in educational and extracurricular activities (e.g., [Forrest et al., 2023](#)), and prevent the exercise of freedom of expression (e.g., [Reagan, 2023](#)).

Restricting Access to Care Contradicts Science and Professional Expertise

There is no scientific or health justification for legislation which restricts access to gender-affirming care. In fact, the medical and mental health professions support gender-affirming care, recognizing the scientific fact that gender identities are diverse and rigid notions of sex and gender are barriers to good healthcare for all patients (e.g., [Coleman et al., 2022](#); [American Academy of Pediatrics, 2021](#); [American Medical Association, 2021](#); [American Psychological Association, 2015](#); [American Psychiatric Association, 2020](#); [American Psychological Association, 2021](#); [National Association of Social Workers, 2023](#)). Research has shown that social stigma, prejudice, discrimination, and even violence that TGD people experience, including stigma and discrimination created by anti-transgender laws and policies, creates minority stress processes that are associated with adverse mental and physical health outcomes for TGD people ([Horne et al., 2022](#); [Redfield et al., 2023](#)). Instead of helping TGD people, these laws harm them.

These legislative acts are based in anti-TGD stigma and the politicization of gender-affirming healthcare (c.f. [Turban et al., 2021](#); [Walch et al., 2020](#)). Arguments supporting these legislative acts recast gender diversity and gender-affirming care as baseless “gender ideology,” “extremism,” and even proof of a conspiracy by medical and mental health professionals to convince people they are TGD and/or abuse children. Proponents of these bills argue that they are protecting TGD people from gender-affirming medical and mental healthcare, which they claim is harmful rather than helpful to TGD people. Similar strategies and rhetoric were used by legislators attempting to restrict lesbian, gay, bisexual, and other sexual minority people from enjoying the right to marry the person they love. Division 44 recognized these arguments as based in stigma, not science, and consequently opposed those attempts then ([American Psychological Association, 2011](#)), just as we oppose the current onslaught of attacks on TGD people as based in stigma, not science, now.

Therefore, APA Division 44 affirms the legitimacy of gender affirming care and stands in strong opposition to attempts by local, state, and federal governmental bodies to misinform the public, interfere in the patient-provider relationship, and infringe upon the rights of TGD people and their families to seek and receive appropriate care and accommodations which evidence indicates is supportive of their health.

Restricting Access to Care Undermines Ethical Principles

The recent legislative actions banning gender-affirming care undermine ethical principles that guide psychological practice. Specifically, gender-affirming medical and psychological care has been shown to mitigate the negative effects of gender dysphoria, satisfying the ethical principles of [Beneficence and Nonmaleficence](#). Recent legislative policies threaten providers' ability to engage in beneficent clinical practice and minimize the harmful effects of gender dysphoria, placing psychologists in a compromising position of abiding by law, or following ethical code of conduct benefiting our patients. It is anticipated that lack of access to gender affirming health, and the increasingly hostile anti-transgender rhetoric which fuels these restrictions, will have dire ramifications for the health of TGD people ([Holt et al., 2023](#)), particularly TGD youth ([Redfield et al., 2023](#)).

Legislative intrusions into clinical practice that prohibit gender affirming care are inconsistent with the general ethical principle of [Integrity](#). The principle of Integrity states that "Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology" (APA, 2017, p. 3-4). Psychologists who provide truthful, evidence-based information to patients may risk being charged with "aiding and abetting" criminalized medical care. Laws or regulations that cast gender affirming mental health care as "aiding and abetting" could create a conflict between law or governmental regulations and the Ethics Code, which states that "psychologists take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code" (APA, 2017, p. 4; also see [Flynn et al., 2021](#)).

Anti-TGD policies are also irreconcilable with the ethical principle of [Justice](#), i.e., the equitable distribution of access to health care (APA, 2017). Geographic disparities in the access to quality medical and mental health care are expected to increase as a result of anti-TGD legislative efforts, further hampering the ability of multiply marginalized and otherwise vulnerable individuals to access needed care ([Holt et al., 2023](#); [Truszczyński et al., 2022](#)). [Respect for People's Rights and Dignity](#) affirms "the rights of individuals to privacy, confidentiality, and self-determination," as well as respect for individual differences including gender identity (APA, 2017, p. 4). Further, psychologists "do not knowingly participate in or condone activities of others based upon...prejudices" (APA, 2017, p. 4). Ethically, therapy clients should have basic rights to self-determination and autonomy, free from the prejudicial views that discourage gender diversity, and access to psychotherapy facilitated by psychologists who understand TGD people ([Puckett et al., 2023](#)).

Legislative attacks on TGD youth and adults impair and criminalize ethical psychological practice, placing psychologists at risk of conflicts between governmental law and regulation

and professional ethics. Therefore, Division 44 stands in strong opposition to restrictions on access to gender affirming healthcare.

Restricting Access to Sports is Discriminatory

Bills that restrict TGD youth's access to sports are discriminatory, reduce participation in sports, particularly girls' sports, and contradict the goals of youth sports. Science finds participation in sports results in positive outcomes, such as better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem ([Darling et al., 2005](#); [Fredericks & Eccles, 2006](#); [Marsh & Kleitman, 2003](#); [Nelson & Gordon-Larsen, 2006](#); [Ortega et al., 2008](#); [U.S. Department of Health and Human Services, 2008](#)). TGD-inclusive policies increase girls' sports participation ([Center for American Progress, 2021](#)). Excluding TGD children from sports is discriminatory and psychologically harmful to them. Requiring TGD youth to athletically compete on teams based on their sex assigned at birth is the same as banning them from athletic competition entirely ([ACLU, 2020](#)). Excluding just some youth from sports runs contrary to the goals of sport. Excluding any subset of youth from sports encourages divisiveness and compromises group cohesion, undermining the benefits all youth deserve from team sports ([ACLU, 2020](#)).

All youth should have access to these benefits. Denying TGD youth access to these benefits is discrimination. Thus, Division 44 stands in strong opposition to restrictions on TGD youths' participation in educational activities including in sports.

Efforts to Ban or Restrict Inclusive School Curricula Cause Harm

Efforts to ban or restrict instruction of topics which touch on the experiences of TGD people, including efforts to remove books from school libraries, compound long-standing problems of invisibility and negative representations that harm TGD students and erode the broader school climate. [The latest GLSEN National \(2020\) survey](#) shows less than 20% of schools taught students about lesbian, gay, bisexual, transgender, or queer (LGBTQ+) history, culture, and people; worse, 17% of schools reinforce *negative* stereotypes about LGBTQ+ people in their curricula, contributing to the stigma of TGD students. [GLSEN \(2020\)](#) finds that only 21.4% of Black youth are taught positive representations of LGBTQ+ history, culture, or people at school. The stigma that many TGD youth face at school negatively impacts their education, as TGD students in unsupportive school environments experience greater absenteeism, have higher rates of dropout, and have lower GPAs ([GLSEN, 2020](#)).

Offering comprehensive, inclusive education reduces stigma and marginalization of LGBTQ+ youth more broadly, including TGD youth, leading to improved school climates. Students at schools with inclusive education reported hearing fewer slurs, lower levels of victimization, felt safer, missed fewer days of school, and had a higher GPA in comparison to students whose schools did not cover LGBTQ+ topics in education ([GLSEN, 2020](#)). TGD students whose schools had inclusive curricula also report feeling safer and more accepted ([GLSEN, 2020](#)). And, because it is not just TGD youth who are the target of gender-based bullying (for instance, heterosexual students who are not TGD can also be called anti-gay slurs, teased for being too effeminate or masculine, etc.; Fisher et al., 2012; [McCarty-Caplan, 2013](#)), inclusive educational environments improve the school climate for all students. Similarly, Snapp et al. (2015) found

that LGBTQ+ youth who attend schools which included LGBTQ+ youth in anti-harassment curricula reported lower harassment, less victimization, and felt safer and more supported in their school. And, schools that have implemented inclusive health curricula find that students are subsequently more likely to intervene when witnessing bullying ([Baams et al., 2017](#); [Proulx et al., 2019](#)).

Division 44 stands in strong opposition to anti-TGD restrictions on instruction and/or curriculum and calls on policy makers to support inclusive policies.

Anti-TGD Legislation Causes Harm

Anti-TGD legislation and policies have a host of negative impacts on the lives of youth, adults, families, and communities. These policies lead to individuals losing access to medically necessary and appropriate healthcare, being excluded from school curriculum and sports, being disallowed from public bathrooms and changing rooms which match their gender identity, permitting or requiring teachers to use the incorrect name and pronouns for children and adolescents, and other actions. These actions lead to many serious harms including increased mental health symptoms and distress, feelings of marginalization, decreased school engagement, and poorer health ([Dubois et al., 2018](#); [Goldberg & Abreu, 2023](#); [Horne et al., 2022](#); [Perez-Brumer et al., 2015](#); [Redfield et al., 2023](#)). Additionally, anti-trans stigma has been identified as a driver of violence experienced by TGD communities ([James et al., 2016](#)). In a recent national survey, 86% of TGD youth reported increased distress due to these anti-transgender bills and the debates around them ([Trevor Project, 2023](#)). This is particularly concerning because TGD youth were already reporting higher levels of emotional distress and more barriers to accessing care which these latest restrictions, such as gender-affirming care bans and increasingly emboldened and hostile local and societal contexts, will only exacerbate ([Abreu et al., 2022](#); [Price-Feeney et al., 2020](#)). Furthermore, transgender and gender diverse people who experience racism and other marginalizing experiences tend to be even more deeply impacted ([James et al., 2016](#); [Ryan et al., 2018](#); [Trevor Project, 2022](#)). These anti-TGD bills add stress, infringe upon TGD people's rights ([American Counseling Association, 2023](#)), and further limit the availability of protective resources, putting transgender and gender diverse people at significant risk of harm. Anti-TGD legislation is in sharp contrast to the health-promoting effects of gender-affirming healthcare and other inclusive policies and practices.

Research has clearly demonstrated the safety and effectiveness of gender-affirming care and inclusive policies ([Olson et al., 2016](#); [Tordoff et al., 2022](#); [van der Miesen et al., 2020](#)). Public conversations often incorrectly cast gender-affirming care as “new” or “experimental” and therefore do not accurately reflect the careful, rigorous body of research evidence that informs the practice of gender-affirming care (e.g., [Swan et al., 2023](#)). Rather than rely on anecdotes, we encourage parents, school staff, community members, and elected officials to refer to evidence-based resources to increase their understanding of transgender people and gender-affirming care.

Conclusion

The Society for the Psychology of Sexual Orientation and Gender Diversity (Division 44) of the American Psychological Association ***stands in strong opposition*** to the wide range of legislative attacks targeting TGD people's safety, rights, freedom of expression, and access to care. These

legislative attacks increase stigma towards TGD people and LGBTQ+ people more broadly, run contrary to science, and violate ethical principles established in the discipline of psychology. Please see below for additional resources.

Resources

Clinical Education and Training Resources

- General
 - [Society for the Psychology of Sexual Orientation and Gender Diversity](#) - American Psychological Association Division 44
 - [American Psychological Association LGBTQ Resources and Publications](#)
 - [UCSF Center of Excellence for Transgender Health](#)
 - [The National LGBTQIA Health Education Center](#)
 - [A Resource for Incorporating Trans and Gender Diverse Issues into Counseling Psychology Curricula](#)
 - [Guidelines for Psychological Practice With Transgender and Gender Nonconforming People](#)
 - [Stanford University - Health Across the Gender Spectrum](#) (*Free Course)
 - [Standards of Care for Transgender and Gender Diverse People](#)
- Youth and Families
 - [A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children](#)
 - [Providing Services and Supports for Youth who are LGBTQI2-S](#)
 - [Trans Teen and Family Narratives Conversation Toolkit](#)
 - Resources for [supporting trans youth in school](#) from GLSEN

Mental Health Resources

- Transgender Crisis and Suicide Prevention
 - [The National Suicide Prevention Lifeline](#) at 800-273-TALK (8255)
 - [The Trevor Project](#) - 1-866-488-7386 OR Text START to 678-678
 - [Trans Lifeline](#) - 877-565-8860
 - [LGBTQ National Youth Talkline](#) - 1-800-246-7743
 - [LGBT National Hotline](#) - 1-888-843-4564
- Mental Health
 - [National Queer and Trans Therapists of Color Network \(NOTTCN\)](#)
 - [OutCare Health](#)
 - [World Professional Association for Transgender Health \(WPATH\)](#)

- [Inclusive Therapist](#)
- [InnoPsych](#)

Legal Resources

- [Transgender Law Center](#)
- [Transgender Legal Defense & Education Fund](#)
- [GLAD Legal Advocates & Defenders - Transgender Rights](#)
- [Sylvia Rivera Law Project](#)
- [Trans Doe Task Force](#)
- [Harvard Law School LGBTQ+ Advocacy Clinic](#)
- [American Civil Liberties Union \(ACLU\)](#)

Community and Advocacy Resources

- [Community and Advocacy - Youth and Families](#)
 - [Trans Student Educational Resources](#)
 - [Gender Spectrum](#)
 - [Gender Diversity](#)
 - [TransFamilies](#)
 - [Trans Youth Family Allies](#)
 - [Trans Youth Equality Federation](#)
 - [Human Rights Campaign LGBTQ+ Youth Resources](#)
- [Community and Advocacy - General](#)
 - [Harriet Hancock Center Foundation](#) - List of Resources for LGBT people in the midlands region of South Carolina
 - [Them.us](#)
 - [Black Trans Advocacy Coalition](#)
 - [PFLAG](#)
 - [Columbia Gender Identity Program](#)
 - [Trans Latina Coalition](#)
 - [GLAAD](#)

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