

Three states mulling protections for gender-affirming health care

Lawmakers in at least three states are bucking the national trend and filing bills to protect access to gender-affirming health care for transgender youth and adults in 2023.

by Brooke Migdon | Dec. 29, 2022

Lawmakers in at least three states have announced efforts to protect access to gender-affirming health care for transgender youth and adults in 2023.

At least 20 bills targeting transgender medical care have been pre-filed in at least nine states for 2023.

State lawmakers in California and Illinois have proposed measures to protect people who broke another state's laws regarding gender-affirming care while the bill proposed in Montana would require insurance to cover such health care.

Lawmakers in at least three states have announced efforts to protect access to gender-affirming health care for transgender youth and adults in 2023.

The past year saw more than two dozen states attempt to enact measures to heavily restrict or ban access to such health care and at least 20 bills targeting transgender medical care have been pre-filed in at least nine states for 2023.

But these three states are going in the other direction, with lawmakers filing legislation to protect medical care for transgender people:

California

Legislation introduced early this month by California state Sen. Nancy Skinner (D) would bar the state magistrate from issuing an arrest warrant for a person accused or convicted of violating another state's laws regarding gender-affirming health care or abortion.

The measure would make it a misdemeanor for a bail bondsman to take such a person into custody without a warrant, punishable by up to a year in jail. They could also have their licenses revoked.

Skinner's bill would also create a civil cause of action for an individual taken into custody in California for obtaining or providing gender-affirming care or an abortion in another state.

"We want to make it clear to everyone across the country that California is safe for you," Skinner told KTVU in Oakland this month. "We respect those rights, and we believe it is not government's responsibility, it is not government's role, to interfere with your reproductive choices or your gender identity choices."

If passed, the measure would expand protections established under a new state law that shields the families of transgender youth from being criminally prosecuted for violating the laws of another state by traveling to California to obtain gender-affirming health care for their children.

Illinois

A bill filed in November by Democratic Illinois state Sen. Mike Simmons would establish the “Gender-Affirming Health Care Protection Act” to bar the state government – including the governor – and law enforcement from pursuing criminal or civil action against a person accused of violating another state’s laws regarding gender-affirming care for youth.

“Access to health care is a basic human right, and access to gender-affirming care ought to be a protected right for communities that need it,” Simmons said last month in a news release.

Montana

A draft bill introduced in Montana this month would require insurance providers to offer coverage for “all gender-affirming care.”

The bill’s sponsor, Democratic state Rep. Laurie Bishop, in a November Facebook post following her midterm reelection pledged to center her work in the next legislative session around patient autonomy in health care, among other issues.