

Issue: LGBTQ+

Guide: Democrats Want all Virginians to Feel Safe and Welcome

Background

On June 6, 2023, the Human Rights Campaign (HRC) declared a national emergency for members of the LGBTQ+ community, following an “unprecedented and dangerous spike in anti-LGBTQ+ legislative assaults sweeping state houses this year.” Currently, the HRC is tracking a record number of over **525** anti-LGBTQ+ bills across U.S.



Democrats want a Virginia that is safe, fair, and inclusive of everyone.

10% of Millennials identify as LGBTQ+.

25% of Gen Zs identify as LGBTQ+.

Democrats vote *against* anti-LGBTQ+ legislation.

Democrats *support* the Virginia Values Act providing anti-discrimination protections for all Virginians in the workplace, housing, healthcare, education, and retail businesses.

In states with anti-discrimination protections, data show LGBTQ+ individuals report lower rates of depression, anxiety, and PTSD.

Democrats support a thriving economy.

In states with anti-discrimination protections, data show increased businesses performance, innovation (patent filings), easier recruiting and retention, and higher LGBTQ+ employment and wages.

Three hundred twenty nine companies so far have signed the [Human Rights Campaign's Business Statement on Anti-LGBTQ+ State Legislation](#).

state houses including Virginia's. In 2023, Virginia's Republican legislators introduced 12 anti-LGBTQ+ bills and passed 2 anti-LGBTQ+ bills in the General Assembly.

Virginia's legislation falls into three categories: banning medical care, forced outings, and athlete bans. The attack on LGBTQ+ rights has been coordinated and sustained by extreme far-right, national organizations, providing campaign donations and model legislation to Virginia's Republican politicians. Given the Republican-controlled House of Delegates of 52 R-48 D and Republican Governor, the Democrat-controlled State Senate with a 21 D-19 R majority is all that remains in Virginia to protect LGBTQ+ rights. This makes the 2023 election critically important! Virginians have the opportunity in 2023 to advance the Commonwealth forward to create a future in which **all** people feel welcome and safe to authentically participate in every aspect of society.

Why are Virginia's Delegates and State Senators knowingly harming members of the LGBTQ+ community?

Anti-LGBTQ+ legislation has become a major social “wedge” issue in the Republican party.

Virginia Republicans use these anti-LGBTQ+ bills to fundraise and get votes.

Republicans vote for anti-LGBTQ+ bills without regard for the physical safety and the significant psychological harm to LGBTQ+ individuals.

Republicans recklessly vote for these bills without consideration to the fiscal impact on Virginia such as:

- Cost of litigation
- Cost to local businesses from boycotts
- The Biden Administration officially interprets discrimination on the basis of sex to include gender identity and sexual orientation. Depending on the specific law, the federal government views anti-LGBTQ+ laws as potential violations of the Due Process Clause and Equal Protection Clause of the 14th Amendment, Title IX, section 1557 of the ACA (Obamacare), and others.
- For an excellent fiscal impact report on North Carolina following passage of the infamous bathroom law (HB 2) in 2016 see the [Williams Institute's report](#).

The Republican sponsored anti-LGBTQ+ bills in Virginia during the 2023 session specifically targeted adolescent and adult transgender and gender-diverse people, an extremely vulnerable and marginalized group. Transgender and gender-diverse individuals have a gender identity that is different from their sex assigned at birth. They may seek a variety of ways to affirm their gender identity across their lifetime. Gender affirmation may express itself in different forms, including socially (expressing their gender publicly), legally (by correcting gender markers and names on official identification documents), psychologically (by addressing distress from social stigma such as anxiety and depression), and medically (by pursuing medical interventions such as puberty blocks, hormones, and surgery).

**The Trevor Project's National 2022 Survey
on
LGBTQ+ Youth's Mental Health**

45% of LGBTQ+ youth have seriously considered suicide.

18% of LGBTQ+ youth ages 13-17 have attempted suicide.

Attempted suicide rates are lower for LGBTQ+ youth who feel supported in school.

Attempted suicide rates are lower for LGBTQ+ youth who feel supported in their community.

Fewer than 1 in 3 transgender and gender-diverse youth found their homes to be gender affirming.

73% of LGBTQ+ youth and more than **75%** of transgender and gender-diverse people suffer from symptoms of anxiety.

58% of LGBTQ+ youth and **2/3** of transgender and gender-diverse people suffer from symptoms of depression.

60% of LGBTQ+ youth who wanted mental health care were not able to access it.

36% of LGBTQ+ youth were physically threatened or harmed due to orientation or gender identity.

Anti-Transgender Legislation

93% of transgender and gender-diverse youth have worried about access to gender-affirming healthcare due to state laws.

91% of transgender and gender-diverse youth have worried about access to a bathroom due to state or local laws.

LGBTQ+ youth suffer from greater rates of depression, anxiety, and suicide. They also report experiencing discrimination and physical harm or threats due to their sexual orientation or gender identity. For a detailed breakdown of the **Trevor Project's 2022 National of LGBTQ+ Youth's Mental Health** see left.

The Trevor Project's report on homelessness and housing instability finds 28% of LGBTQ+ youth have experienced housing instability. Of those reporting housing instability, 54% had experienced homelessness, 47% had been kicked out of their homes by their families, 56% had run away or been abandoned. Youth having suffered housing instability or homelessness have increased risk of suicidal thoughts and attempting suicide when compared to LGBTQ+ youth with secure housing.

In addition to significantly greater mental health challenges, transgender and gender-diverse people are not on par economically with their cisgender peers. Transgender and gender-diverse people suffer greater rates of poverty (22% vs. 16%) and food insecurity (20% vs 10.5% receiving SNAP benefits). Also, 27% report not having sufficient funds to buy food at some point during the past year compared to 17% of cisgender people. Moreover, fully 1 in 4 have faced workplace discrimination.

Hate Groups Advancing Anti-LGBTQ+ Legislation

The rise in anti-LGBTQ+ bills across the U.S. is not a result of constituent demand. There is no "problem to be solved." Constituents are not calling up their state legislators and asking for bills to be drafted to address gender identity. What is happening is a coordinated, national, and extremely well-

funded effort by far-right Republican hate groups. These hate groups have used anti-LGBTQ+ legislation as a social "wedge" issue. Based on wild junk science and propaganda these hate groups are able to fundraise, draft model legislation, donate to political candidates, and file lawsuits against discrimination protection laws. The endgame for these groups is to strike all LGBTQ+ protections, including marriage equality, from state and federal statutes. Their goal is the systematic erasure of LGBTQ+ individuals, and the criminalization of transgender children's parents and

physicians who facilitate providing gender-affirming medical care. These groups include the Alliance Defending Freedom, Family Research Council, Focus on the Family, the American College of Pediatricians. The Alliance Defending Freedom (ADF), Family Research Council, and American College of Pediatricians have each been designated hate groups against the LGBTQ+ community by the Southern Poverty Law Center. For more information about the arguments used in efforts to advance anti-LGBTQ+ legislation see the full paper, "Virginia's Anti-LGBTQ+ Bills, a Riptide of Hateful Legislation." Add link

Republican Legislation

Bans of gender-affirming medical care

Virginia's Republican legislators have much to explain in their efforts to ban gender-affirming medical care. Why are Virginia's Republicans legislating that licensed physicians are to set aside the medically necessary **Standard of Care** or incur a civil penalty when treating adolescents and adults diagnosed with gender dysphoria/gender incongruence? See page 5 of the full anti-LGBTQ+ paper for a complete description of gender-affirming medical care. There are several federal court rulings in other states on the identical legislation "drafted" by Virginia's Republican legislators. Here's what federal judges are saying about bans on gender-affirming medical care:

- Arkansas' **SAFE ACT** is the same as Virginia's **SAFE ACT** (SB 791, Republican Sen. Amanda P. Chase). Concerning the Arkansas SAFE ACT, Federal Judge Moody's found that "[r]ather than protecting children or safeguarding medical ethics, the evidence showed that the prohibited medical care improves the mental health and well-being of patients and that, by prohibiting it, the State undermined the interests it claims to be advancing."
"The Court finds that the State has failed to prove that its interests in the safety of Arkansas adolescents from gender transitioning procedures or the medical community's ethical decline are compelling, genuine, or even rational."
- Alabama's ban on gender-affirming medical care: Federal Judge Burke (a Trump appointee) ruled that Alabama had produced no credible evidence to show that transitioning medications are "experimental" while, "the uncontradicted record evidence is that at least twenty-two major medical associations in the United States endorse transitioning medications as well-established, evidence-based treatments for gender dysphoria in minors."

What do you need to know about gender-affirming medical care?

It is often life-saving medical care.

It treats gender dysphoria/gender incongruence, the significant clinical distress that may accompany a lack of alignment between one's gender identity and one's sex assigned at birth.

It does **not** treat gender identity.

What are the symptoms of gender dysphoria/gender incongruence?

Clinical depression and anxiety, increased rates of suicide, self-harm, and eating disorders.

How is gender dysphoria/gender incongruence diagnosed?

Licensed physicians determine if significant symptoms of gender dysphoria/gender incongruence have persisted for at least six months. When a minor is diagnosed it is in consultation with a physician, parents and the patient.

Is gender-affirming medical safe?

Yes! It is only prescribed when **medically necessary** and consists of **Standards of Care** based on credible scientific evidence published in peer-reviewed medical literature, recognized by the overwhelming majority of the medical societies and associations. For information on the types of treatments available [click here](#).

Do Republican gender-affirming medical bans target adults and youth (<18 years of age)?

Yes! Republican bans harm adults and youth. Bans include medical care for youth, use of public funds (Medicaid), coverage by health insurance of youth and no longer require health insurance coverage for adults.

What happens when patients do not have access to gender-affirming care?

There is significant risk of suicide for those transgender people who cannot access gender-affirming medical care. In addition, the risk for those de-transitioning (often because of a lack health insurance coverage) is significantly higher, namely 12% vs. than those not de-transitioning 6.7%

- Indiana’s ban on gender-affirming medical care: Federal Judge Hanlon, (a Trump appointee), wrote that he was **blocking the law from taking effect because its opponents had demonstrated potential irreparable harm to those undergoing treatment and shown “some likelihood of success” in arguments that it was unconstitutional.**

Forced Outings: Youth (<18 yrs) have a right to privacy protected by the U.S. Constitution

Republican legislation and Gov. Youngkin’s Model Policies require parental notification of a student using a name or pronoun other than the school record. Forced outing bills formally codify Republican legislators’ callous disregard for student safety. Virginia’s Republican legislators fully understand that minors are vulnerable and are entirely dependent on their parents for care and shelter. This vulnerability places them at significant risk because the care they rely on from their parents may end if outed.

Forced outing bills place transgender students in physically dangerous situations. Not all transgender children are safe in their homes. Transgender youth face a significant risk of rejection by their parents when they disclose their gender identity. Transgender youth are much more likely to be abused than cisgender youth by an immediate family member because of their gender identity. Family rejection and violence have contributed to many LGBTQ+ people losing their access to shelter, resulting in homelessness. It is estimated that 20-40% of the homeless youth of the 1.6 million homeless youth are LGBTQ+.

Athlete Bans: Kids just want to play sports and live as normal a life as possible

Youth athletic programs offer a valuable experience for children. Participation in sports provides children and adolescents with several benefits. Such programs improve physical and mental health, teach teamwork, and provide lessons in life skills. Importantly, participation in sports helps establish lifelong fitness and greater health.

Banning transgender girls from playing on sports teams that align with their gender identity is another example of legislation intended to solve a non-existent problem. There is not an epidemic of transgender girls dominating all-girl sports teams. The overwhelming majority of girl athletes are cisgender. In addition, the vast majority of girl athlete winners are cisgender girls. Forcing transgender girls to play on cisgender boys’ teams is unjustifiable. It simply marginalizes an already vulnerable group of kids. The Republican/Conservative “scientific” argument for banning transgender girls from playing on sports teams is based on testosterone levels. This “theory” is junk science for a few reasons. First some transgender girls are taking puberty blockers which lowers their testosterone. Second, cisgender girls with polycystic ovary syndrome have elevated levels of testosterone but are permitted to play. Third, studies looking at performance provide more accurate comparisons of transgender vs cisgender girls’ athletic differences and, although currently limited in number, those studies do not support the myth that transgender girls have athletic superiority.

Despite U.S. House Republican efforts (by passing H.R. 734 in 2023) to bar transgender women and girls from participating on sports teams that align with their gender identity, such bans are not legal under Title IX of the education bill signed in 1972. This illegality applies to K-12 transgender students, as well as college and university students. In addition, it is not legal to discriminate on the basis of sex in Virginia under the **Virginia Values Act** that extends the anti-discrimination of the Virginia’s **Human Rights Act** to apply to the education settings discussed above.

Court battles across the U.S. regarding state bans of transgender women and girl athletes competing on women’s and girl’s teams continue but higher courts have blocked such bans. In December 2022, the Second Circuit Court of Appeals found a Connecticut state athletic policy inclusive of transgender girls took nothing away from the participation of cisgender girls. Recently, the U.S. Supreme Court refused to enforce the transgender athlete ban in West Virginia.