



# Legislation Impacting Transgender and Nonbinary Rights and Visibility in 2023

Pride Month represents an opportunity for the LGBTQIA+ community to be celebrated, celebrate themselves and reflect on the history and achievements of their communities. It is also a time during which past, current and proposed policies that impact LGBTQIA+ communities receive greater attention.

So far in 2023, the partisan divide over gender identity, especially within education and healthcare settings, has generated a significant increase in legislation impacting transgender and nonbinary communities.

The research team at Plural is committed to monitoring legislative trends throughout the country. As we analyzed the 2023 legislative sessions, we were particularly surprised by the volume of bills targeting transgender and nonbinary rights. We leveraged Plural's legislative data to better understand this legislative trend and provide clarity on where and how this community's rights are being targeted and/or protected. The data presented in this report is up-to-date as of Monday, June 26, 2023.

These policies take many forms, including bills, resolutions and judicial confirmations, and they vary in their intent and impact. Like all contentious topics in public policy, the information considered here will be viewed differently by those in favor, and those opposed.

We have organized our findings on this topic into two broad position categories, to help understand the overall trends we are witnessing:



- **Limiting transgender and nonbinary rights and visibility:** This category includes legislation that limits discussion of LGBTQIA+ issues in schools, restricts gender-affirming health care for minors and ensures participation in sport is based on biological sex.
- **Expanding or protecting transgender and nonbinary rights and visibility:** This category includes legislation that restricts or prohibits conversion therapy, expands the right for an individual to change their gender on government identification documents and increases diversity training on LGBTQIA+ issues for healthcare providers and educators.

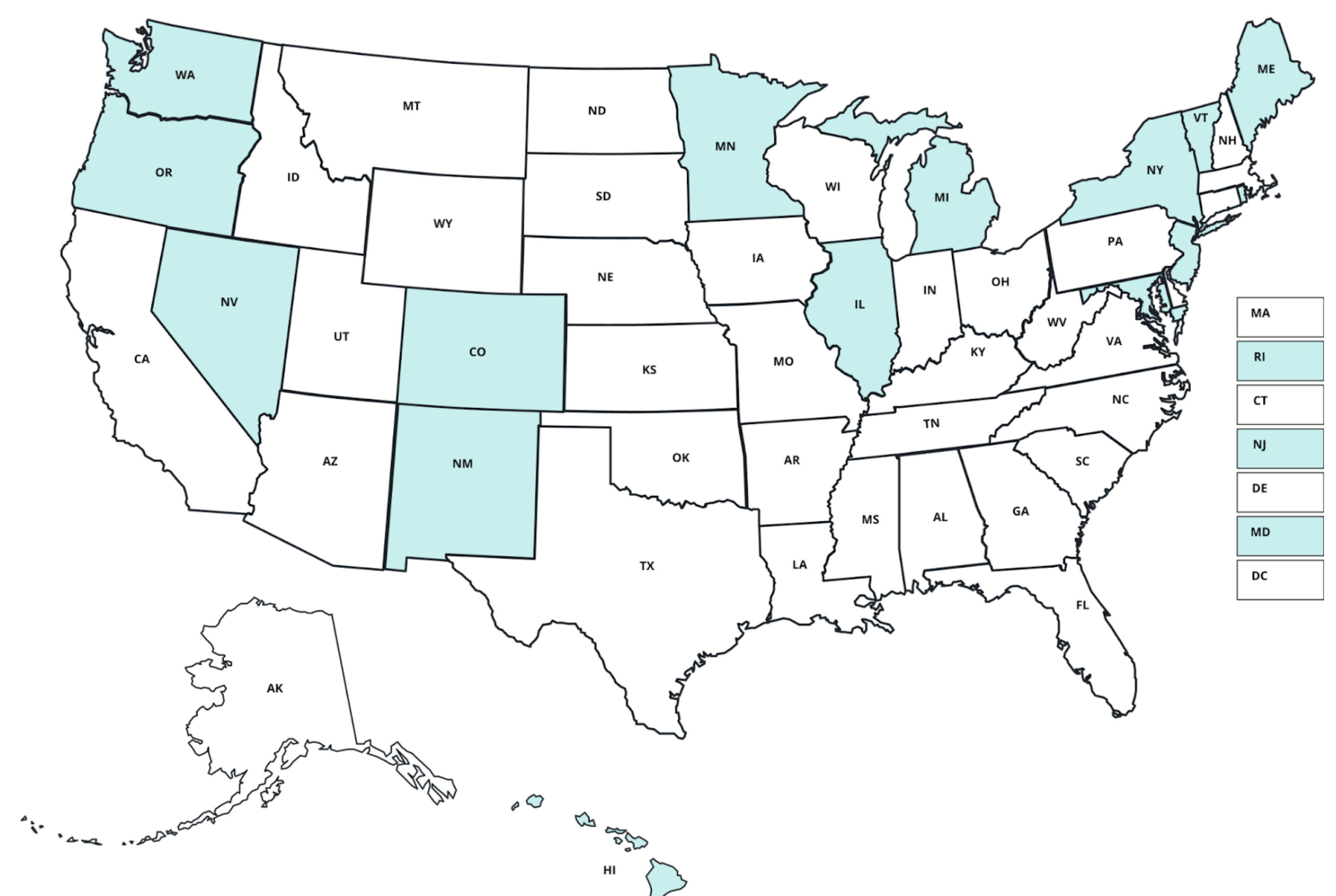
Plural’s analysis found 620 pieces of legislation aimed at limiting transgender and nonbinary rights introduced in 2023. Of these, 79 (13%) have passed. By contrast, 526 pieces of legislation aimed at expanding or protecting transgender and nonbinary rights have been introduced so far this year. Of these, 57 (11%) have passed.

On both fronts, this activity represents an increase from the 2022 legislative sessions. Still, the increase in legislation targeting the rights of these communities has far outpaced the increase in measures aimed at protecting their rights. While measures to expand or protect transgender and nonbinary rights have increased by 25% over 2022, measures to limit or target transgender and nonbinary rights have

increased by over 200%.

While these numbers shed light on developing national trends, the research team wanted to further examine where these trends were occurring, and the impact of proposed and passed legislation. Read on for our analysis.

## WHERE HAVE LEGISLATORS BEEN MOST ACTIVE IN PROTECTING TRANSGENDER AND NONBINARY RIGHTS?



*States that have **passed** legislation protecting or expanding transgender and nonbinary rights in 2023.*

Legislators in 48 states (all but Alabama and Wyoming), both chambers of Congress and Washington, DC have introduced legislation aiming to protect or expand the rights of transgender and nonbinary people. However, only 15 states have successfully passed legislation to this end.

Legislators in New York, New Jersey and Massachusetts have been most



productive in introducing measures, while Colorado, Maine and Washington have passed the most measures in this category.

Twenty-two states have passed at least one measure to this end.

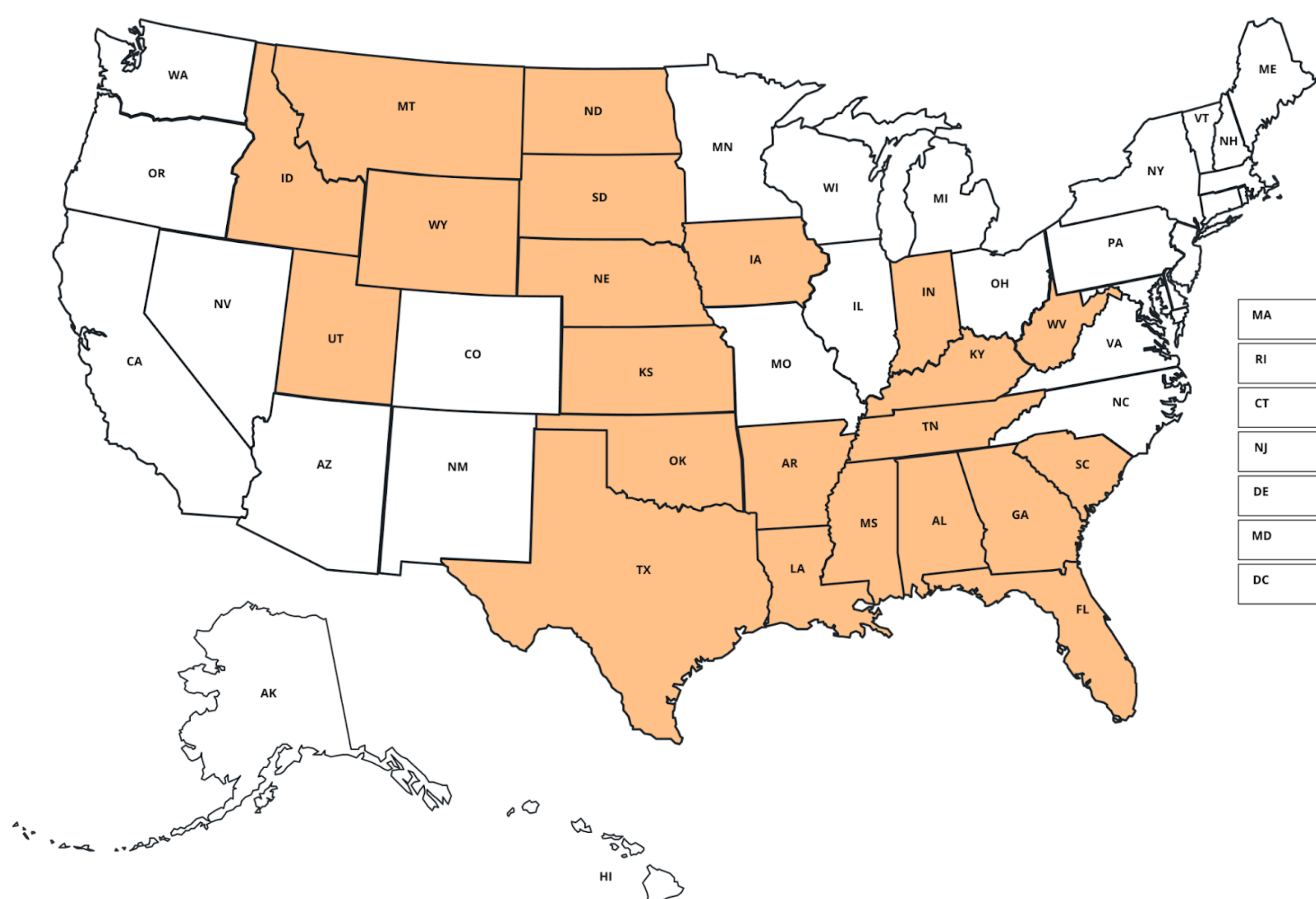
Legislators in Texas, Missouri and Oklahoma have been most active in introducing measures, while legislators in Tennessee, North Dakota, Montana and Arkansas have successfully passed the most of these measures.

Most Active in Protecting or Expanding Transgender and Nonbinary Rights and Visibility			
Introduced		Passed	
New York	61	Washington	10
New Jersey	48	Colorado	8
Massachusetts	44	Maine	7
Texas	30	New York	6
Minnesota	26	Nevada	5

Most Active in Targeting or Limiting Transgender and Nonbinary Rights and Visibility			
Introduced		Passed	
Texas	70	Tennessee	12
Missouri	44	North Dakota	10
Oklahoma	40	Montana	8
US Congress	29	Arkansas	8
South Carolina	26	Florida	6

## WHERE HAVE LEGISLATORS BEEN MOST ACTIVE IN LIMITING TRANSGENDER AND NONBINARY RIGHTS?

## TRANSGENDER AND NONBINARY PARTICIPATION IN SPORTS



States that have **passed** legislation targeting or restricting transgender and nonbinary rights in 2023.

Legislators in 49 states (all but Delaware) and both chambers of Congress have introduced legislation targeting or limiting the rights of transgender and nonbinary people.

Debates over school funding, curricula and safety typically draw more focus from legislators than school sports; however, in 2023, the issue of who can participate in school sports has become a priority issue in some states. Legislation seeking to limit the participation of transgender and nonbinary youth in sports, most often by requiring athletes to be assigned to teams based on their biological sex, has been introduced in 34 states and Congress. Nine states have passed 11 bills that restrict access to sports at the collegiate and high school levels.

Among these proposals is Texas SB 15,



referred to by advocates as the “Save Women’s Sports Act,” signed into law by Governor Abbott on June 15. The law requires college athletic teams in Texas to restrict participation based on a student’s “biological sex.” The law allows Texans to bring a civil action against any college that violates the new rule. It is currently unclear how this will impact transgender athletes on college teams outside of Texas that visit the state for competition.

Our analysis found no legislation introduced this year that protects or affirms transgender and nonbinary athletes' ability to participate in sports based on their gender.

## TRANSGENDER AND NONBINARY AMERICANS IN SCHOOL

Garnering perhaps even more media attention than participation in sports has been debates surrounding the coverage of gender identity in school curricula, as well as the treatment of transgender and nonbinary students in schools. Following the 2022 passage of HB 1557, dubbed the “Don’t Say Gay” bill by critics, the Florida legislature further restricted inclusion of LGBTQIA+ topics in school curricula with HB 1069. The 2023 bill, signed into law by Governor DeSantis in mid-May, prohibits instruction on sexual orientation and gender identity through the eighth grade, limits the use of preferred pronouns in schools and provides a greater allowance for parents to object

to instructional materials used in schools.

Several states have also made efforts to better accommodate transgender and nonbinary students, including by expanding LGBTQIA+ competency training for school staff and protecting access to commonly banned books. Colorado SB 23-149, signed into law in early June, provides financial assistance to students attending public universities who provide mentorship services for children who identify as LGBTQIA+ through a certified youth mentorship organization.

In total, Plural’s research team found 81 pieces of legislation introduced in 2023 that expand or protect transgender and nonbinary rights and visibility in schools. So far, seven of these bills have become law. Conversely, there have been 216 pieces of legislation introduced this year that limit or target transgender rights and visibility in schools, of which 23 have become law.





## TRANSGENDER AND NONBINARY ACCESS TO HEALTHCARE

Legislation impacting the transgender and nonbinary community's rights to healthcare has been more prevalent than legislation impacting their rights in schools or sports. One hundred and fifty-two pieces of legislation aimed at expanding transgender and nonbinary individuals' rights to healthcare have been introduced, and 29 have been passed into law. Washington and Colorado have led this effort, passing seven and five bills, respectively. Washington's [HB 1469](#), signed into law in late April, is a "shield law," protecting individuals who travel to the state to receive gender-affirming care from extradition and prosecution by their home states that restrict access to care.

This year, 188 pieces of legislation targeting or restricting transgender and nonbinary individuals' rights to healthcare have been introduced, and 20 have successfully passed. In particular, Tennessee [House and Senate Bill 1](#) was a high priority bill for legislators, and passed earlier this year. The law, due to take effect on July 1, states that providers may not provide gender-affirming care to minors, allowing for lawsuits against providers who may break the law. Fourteen other states have restricted access to gender-affirming care this session.

2023 has been a busy and contentious year for legislation impacting transgender and nonbinary communities. These debates will certainly not be resolved this year, and the impact of passed legislation will be long-lasting. At Plural, we are driven by our foundational value of transparency to bring greater awareness to the policies being introduced and passed throughout the United States.

Activity in state houses and Congress is just part of the story of evolving LGBTQIA+ rights across the United States. Policies and norms protecting or harming transgender and nonbinary individuals are also being advanced in local government, private businesses and society at large. Plural is committed to analyzing our publicly-available dataset to increase transparency and awareness of these policies in 2023 and beyond.

Interested in learning about how Plural can supercharge your legislative intelligence on key topics impacting American individuals, communities and families? Get started with Plural today!

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