Viewpoint

Transgender Youths and Sanctuaries for Gender-Affirming Care

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Approximately 33% of adolescents aged 13 to 17 years who identify as transgender now live in states that have enacted bans on gender-affirming care (GAC)—a form of care comprising medical and nonmedical services based on extensive multidisciplinary evidence-based guidelines that support transgender people’s gender identity and expression. In addition to prohibiting access to GAC, many antitransgender policies include legal penalties for parents and health care professionals who enable youths seeking gender-affirming services. These antitransgender policies have harmful consequences. One study found that the median drive time to a gender clinic has doubled from about 0.5 hours to 1 hour due to bans on GAC. Some states experienced dramatically larger increases in median drive time, such as Florida (8.5 hours), Texas (6.7 hours), and Utah (5 hours). Given that access to GAC has been associated with better mental health outcomes for transgender youths, who already face elevated risks of suicide, self-harm, and poor mental health outcomes, passage of antitransgender policies may exacerbate a public health crisis. We believe that state and local governments should intervene by implementing policies that offer sanctuary to transgender youths and their families who are seeking GAC. Such policies would support transgender youths’ access to necessary health care while protecting them and their families from hostile policies in their home states.

Gender-Affirming Services Are Essential Health Care

The ability to access GAC is paramount to transgender youths’ well-being. GAC takes many forms, including mental health services, hormone therapy, surgical procedures, and social affirmation related to gender pronouns and name changes. Together, these forms of care allow transgender youths to align their bodies and social presentations with their sense of self, thereby reducing feelings of dissatisfaction with how they see themselves and are perceived by others. One review of GAC found overwhelming mental health benefits of access to gender-affirming services among transgender youths who desired these services, including reduced levels of depression and suicidal ideation. These benefits are important considering the alarming mental health disparities that transgender youths experience, including rates of attempted suicide that are more than 4 times higher than those of cisgender youths. Such disparities are not inherent to being transgender—they are fueled by transgender youths’ repeated exposure to harmful stressors, including policies that deny transgender people access to affirming spaces and services.

Sanctuaries for GAC as an Emerging Policy Intervention

Support for sanctuary policies that protect transgender youths seeking GAC is growing among policymakers in some states. To date, 12 states (California, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Vermont, and Washington), the District of Columbia, and at least 4 US cities (Kansas City, Missouri; Lawrence, Kansas; New York City, New York; and West Hollywood, California) have passed sanctuary policies for GAC, offering an important counterweight to the 21 states that have enacted bans on GAC. The goals of the sanctuary policies are to allow transgender youths from outside states to access care within the sanctuary.
jurisdiction and to shield transgender youths, their families, and their health care professionals from potential legal sanctions in their state of residence.

The specific provisions of sanctuary policies are similar across jurisdictions, but there are meaningful differences in their power. California was the first state to declare itself a sanctuary for transgender youths seeking GAC in September 2022 via legislative action. The policy prohibits California health care professionals from releasing records in response to criminal or civil action from another state’s law banning GAC and prevents law enforcement officials from extraditing transgender youths to another state or separating transgender youths from a parent or guardian who helps them obtain GAC. Maryland provides a different example. In June 2023, Governor Wes Moore signed an executive order designating Maryland as the 11th sanctuary state. The executive order prohibits state officials from complying with subpoenas from other states targeting transgender people and their GAC specialists, prevents the extradition of transgender people from Maryland due to their pursuit of GAC, and protects health care professionals providing GAC from losing their licenses. Unlike the sanctuary policy in California, however, Maryland’s executive order is subject to reversal following potential changes in the executive administration.

GAC Sanctuaries Could Benefit Transgender Youths

Enacting sanctuary policies for GAC could confer health benefits for transgender youths, as evidenced by studies that demonstrate measurable benefits of similar policies used in relation to other targeted groups. For instance, people who migrate to locations with inclusionary immigration policies (eg, access to refugee status, government assistance) tend to report more favorable health outcomes, including better mental health, higher self-rated health, and lower risk of mortality than those migrating to environments with restrictive policies. Similarly, policies that support abortion access for residents of states with restrictive reproductive health care policies have benefited groups who historically lack access to health care, such as African American women. Transgender youths, immigrants, and individuals seeking abortion care experience vastly different challenges, but policies that provide legal protections and resources to individuals fleeing hostile circumstances consistently show measurable benefits. State and local governments can learn from inclusionary immigrant and reproductive health care policies to support transgender youths seeking GAC.

State and Local Governments Should Enact GAC Sanctuaries

State and local governments can use existing sanctuary policies as models for supporting transgender youths and should expand these policies to ensure more comprehensive support. Most existing sanctuary policies for GAC focus on issues of health data privacy and law enforcement (eg, nonextradition policies) but do little to ameliorate the financial burdens that families of transgender youths experience when traveling to a sanctuary state, seeking lodging, and paying out-of-pocket expenses for GAC in an area outside of their insurance coverage. To reduce these financial burdens, policymakers could expand access to and protections for telehealth across state lines by issuing license waivers to health care professionals, as they did during the COVID-19 pandemic. This intervention could allow individuals to remain in their home states while still accessing necessary health care. States and cities could also establish public funds to support families of transgender youths from states that ban GAC. Although these recommendations provide a starting point for generating sanctuary policies, we urge policymakers to collaborate with local transgender community leaders to craft policies that are appropriate in their respective policy environments.

The bulk of policy initiatives protecting GAC are being developed at the state and local levels, but there is also an opportunity for federal intervention. The US Department of Health and Human Services should consider expanding protections under HIPAA (the Health Insurance Portability and Accountability Act) to prohibit health care professionals and plans from releasing GAC records for the
purposes of legal action against a transgender person, their family, or their health care professional. This action would reflect similar federal initiatives currently underway regarding the protection of reproductive health care data privacy.10

In summary, the growing wave of antitransgender legislation has potential to exacerbate a public health crisis among transgender populations, but state and local governments can provide relief. As courts at multiple levels decide the constitutionality of state-level bans on GAC, a patchwork of policies will almost certainly persist, rendering large swathes of the transgender population vulnerable to harmful policies. Although sanctuary policies for GAC do not erase the structural barriers imposed by antitransgender legislation, they provide critical resources and protections for transgender youths, their families, and their health care professionals to persevere.

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**REFERENCES**


