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Position Statement Opposing Anti-Trans Legislation

The American Psychoanalytic Association (APsA) notes a troubling increase in misinformation and legislation adversely affecting trans and gender expansive (TGE) people. There were more legislative attempts to restrict the lives of trans and gender expansive people in 2022 than ever before. According to a March 2023 report from the Williams Institute, 32 states have restricted access to gender-affirming care or have considered laws that would do so. Many bills prohibit insurance companies from offering coverage or restrict the use of state funds for gender-affirming care. These bills represent serious intrusions into the relationships between health care providers and their patients. They also carry severe penalties for health care providers or families who provide or seek out gender-affirming care for minors.

Today, a third of trans and gender expansive youth in the United States are at risk of losing or have already lost access to the ability to medically transition, long established as an essential component of gender-affirming care by the American Psychological Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Medical Association, the American Academy of Pediatrics, the Endocrine Society, the World Health Organization, and the World Professional Association for Transgender Health. According to Dr. Marci Bowers, President of WPATH, “Decades of medical experience and research since has found that when patients are treated for gender dysphoria, their self-esteem grows and their stress, anxiety, substance use and suicidality decrease.” Treatment standards promulgated by medical and professional organizations emphasize providing thorough assessment of and individualized treatment recommendations for patients. If assessment and treatment are unavailable, patients will needlessly suffer.

These restrictive legislative efforts have sought legitimacy in a profusion of misinformation and disinformation—that is, false information disseminated intentionally to cause serious social harm. According to the Special Rapporteur of the United Nations (2021), “Digital technology has

enabled pathways for false or manipulated information to be created, disseminated and amplified by various actors for political, ideological or commercial motives at a scale, speed and reach never known before.” Disinformation campaigns particularly target vulnerable groups such as trans and gender expansive people, especially Black, Indigenous, and People of Color (BIPOC), fomenting discrimination and hatred, and culminating in harsh vilification, stigma, and violence. This can be directly observed via recent incidents such as the shooting deaths of multiple people at the Club Q in Colorado Springs, as well as through continually high numbers of violent and fatal incidents against BIPOC TGE people. The American Psychoanalytic Association acknowledges this harm in the context of APsA’s 2019 apology for views that wrongly pathologized homosexuality and trans identities.

Although the right to freedom of expression is broad and inclusive, misinformation and disinformation are problematic. As an analytic community, APsA wishes to clearly and publicly disagree with those promulgating falsehoods about gender-affirming care. In 2012, APsA publicly affirmed the need to protect gender expansive youth, recognizing “the emotional pain and destructive power of invalidation of core identity and the innate human need for love and friendship” and stating that “bias against individuals based on...gender identity or gender expression negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice.”

In light of this, the American Psychoanalytic Association strongly opposes recent, overreaching government intrusion into clinical care that adversely affects trans and gender expansive people, their families and their health care providers.

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