



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

EXECUTIVE OFFICE

New York State Office of the Attorney General  
28 Liberty Street  
New York, NY 10005

March 3, 2023

Office of Governor Ron DeSantis  
State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

Dear Governor DeSantis,

The undersigned Attorneys General write with grave concern over your request for information regarding the provision of gender-affirming care to Florida university students experiencing gender dysphoria. This information request may be intended to intimidate, and will actually intimidate, university administrators and health care providers and chill vulnerable students, including the students or staff in Florida's state university system who are citizens of our States, from accessing necessary medical care. Further, public reports suggest that you may seek to use the information sought to eliminate funding for necessary gender-affirming health care for students. This would be in keeping with your prior actions targeting the LGBTQIA community, and particularly transgender youth, such as cutting off funding under Medicaid for gender-affirming care and calling upon the Florida Board of Medicine to prohibit use of puberty blockers and other gender-affirming care for people under 18. Such actions jeopardize the health, safety and well-being of young people and their families, contravene well-accepted medical standards, unduly insert the state into the provider-patient relationship, violate students' rights under federal law—including privacy—and offend basic human rights. Accordingly, we urge you to reconsider this action and rescind the information request immediately.

Transgender young people are among the most vulnerable populations in the country. They are more likely than cisgender students to experience bullying, violence, sexual assault, and other forms of discrimination at school. Transgender individuals of all ages already face steep barriers to obtaining basic health care, including lack of insurance, denial of coverage, and discrimination and denials of care by providers. For example, The Trevor Project's 2022 National Survey on

LGBTQ Youth Mental Health found that 60% of LGBTQ youth who wanted mental health care in the past year were unable to get it.<sup>1</sup> Transgender youth also experience disproportionately high rates of homelessness, substance abuse, depression, anxiety, suicidality, and other mental health issues. A shocking 45% of LGBTQ youth seriously considered attempting suicide in the past year, and nearly 1 in 5 transgender and non-binary youth attempted suicide, compared with 1 in 10 cisgender youth.<sup>2</sup> Such harms result not from transgender status itself, but from the societal stigma and discrimination transgender youth confront daily.<sup>3</sup> Indeed, there is a strong link between denial of gender-affirming care and these poor health outcomes; according to the American Medical Association, experiencing discrimination affecting access to gender-affirming care “is a strong predictor of suicide risk.”<sup>4</sup>

Conversely, *access* to gender-affirming care, including hormone therapy, mental health therapy, and gender-affirming surgery, is associated with dramatically *improved* health, including for transgender children and adolescents.<sup>5</sup> Young people who do obtain gender-affirming care enjoy better overall mental health and decreased rates of depression, anxiety, suicidality, and substance abuse, as well as reduction in other adverse health events, such as HIV infection, unintended pregnancy, and harms resulting from use of hormones without medical supervision.<sup>6</sup> In short, there is a strong medical consensus that improving access to such care saves lives. Leading medical associations, including the American Medical Association, the American Academy of Family Physicians, American College of Obstetricians and Gynecologists and the American Psychiatric Association, among many others, have issued policy statements in favor promoting access to care, and have opposed measures such as bans on public funding or on provision of gender-affirming care that impose obstacles.<sup>7</sup>

Finally, both federal law and international human rights law protect the rights of transgender individuals to be free from discrimination. Targeting health care relied on by transgender students violates students’ right to equal protection under the Fourteenth Amendment of the Constitution, as well as their right to be free from discrimination in federally-funded healthcare and education institutions under Title IX of the Education Amendments of 1972 and Section

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<sup>1</sup> The Trevor Project, *2022 National Survey on LGBTQ Youth Mental Health*, <https://www.thetrevorproject.org/survey-2022/>.

<sup>2</sup> *Id.*

<sup>3</sup> *See id.* (reporting that 73% of LGBTQ youth reported experiencing symptoms of anxiety and 58% of LGBTQ youth reported experiencing symptoms of depression); Am. Med. Ass’n, *Issue Brief: Health Insurance Coverage for Gender-Affirming Care of Transgender Patients*, <https://www.ama-assn.org/system/files/2019-03/transgender-coverage-issue-brief.pdf>.

<sup>4</sup> Am. Med. Ass’n, *Issue Brief: Health Insurance Coverage for Gender-Affirming Care of Transgender Patients*, *supra*.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *See* Transgender Legal Defense & Educ. Fund, *Medical Organization Statements*, <https://transhealthproject.org/resources/medical-organization-statements/>; Wyatt Ronan, *Major Health, Education, and Child Welfare Organizations Oppose Anti-LGBTQ State-Based Legislation*, Mar. 25, 2021, <https://www.hrc.org/press-releases/major-health-education-and-child-welfare-organizations-oppose-anti-lgbtq-state-based-legislation>.

1557 of the Patient Protection and Affordable Care Act.<sup>8</sup> Indeed, several courts around the country have enjoined measures prohibiting provision of gender-affirming care.<sup>9</sup> Globally, the United Nations views the rights of transgender individuals to be free from discrimination as a basic human right and has urged States to adopt policies recognizing gender-affirming care as a State obligation.<sup>10</sup> These overlapping legal protections help ensure that government policies and resources will help advance equality and serve the needs of everyone, not purposely exclude people because of who they are.

Our States are committed to guaranteeing full equality and dignity for transgender individuals and have implemented a variety of policies to further that goal, including prohibiting discrimination based on gender identity and expression, providing Medicaid coverage for gender-affirming care, and requiring private insurers to offer similar coverage. We have an equally strong interest in protecting the rights and medical decisions of the many students and staff members in the Florida state university system who are citizens of our states. The information request you have issued threatens to undermine the private medical decisions made by transgender individuals together with their families and health care providers and risks the lives and welfare of some of the most vulnerable people in our communities.

We strongly urge you to rescind your information request without delay.

Sincerely,



Letitia James  
Attorney General of New York

*Signatures continued on next page*

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<sup>8</sup> The U.S. Department of Education recognizes discrimination based on transgender status as a form of sex discrimination prohibited under Title IX, and the Department of Health and Human Services appropriately views denial of gender-affirming care as prohibited sex discrimination in covered health programs. *See* 34 C.F.R. I, *Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County*, 86 Fed. Reg. 32637 (Jun. 22, 2021); United States Dep't of Health and Human Servs, Notice of Proposed Rulemaking: Nondiscrimination in Health Programs and Activities, 87 Fed. Reg. 47824, 47867 (Aug. 4, 2022).

<sup>9</sup> *See, e.g., Brandt by & through Brandt v. Rutledge*, 47 F.4th 661 (8th Cir. 2022) (upholding injunction against enforcement of Arkansas statute prohibiting "gender transition procedures" for minors); *In re Abbott*, 645 S.W.3d 276 (TX, 2022) (upholding parts of injunction against child abuse investigation of family of transgender child under legal guidance interpreting provision of such care as child abuse); *Eknes-Tucker v. Marshall*, No. 2:22-CV-184-LCB, 2022 WL 1521889 (M.D. Ala. May 13, 2022) (blocking enforcement of law restricting minors from using puberty blockers and hormone therapies).

<sup>10</sup> *See* United Nations Independent Expert on Sexual Orientation and Gender Identity, *The struggle of trans and gender-diverse persons*, <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons>.

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*Signatures continued on next page*

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