

Title: Resolution to Oppose Transphobic Legislation Regarding the Use of Public Facilities

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Submitted By:

WHEREAS transgender people experience worse health, compared with cisgender people due to avoidance of care¹, stress from discrimination and alienation², and higher rates of sexual and physical violence³, and

WHEREAS “gender dysphoria intensifies over time and, when inadequately treated, can lead to clinically significant psychological distress, dysfunction, debilitating depression, self-surgery, and suicidality,”⁴ and

WHEREAS in order to complete the appropriate course of care for gender dysphoria^{5, 6} and meet the eligibility criteria to receive hormonal and/or surgical care,^{7, 8} transgender women must live fully as females and transgender men must live fully as males in society, and

WHEREAS nine bills have been introduced in various states across the U.S. in January 2016 dictating the use of public facilities, such as restrooms and locker rooms; and these bills require people to use public facilities that correspond with their biological sex identified at birth and/or chromosomes, instead of their gender identity⁹, and

WHEREAS “all people share the real human need for safe restroom facilities when we go to work, go to school, and participate in public life,”¹⁰

WHEREAS being required to use a public facility that does not correspond with gender identity is a health issue that negatively affects transgender people, increasing the risk of sexual, verbal, and physical harassment and violence, and

¹ Herman, “Gendered Restrooms and Minority Stress: The Public Regulation of Gender and Its Impact on Transgender People’s Lives.”

² Ibid.

³ Jaime M. Grant et al., “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey.” (Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011), http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.

⁴ *Manning v. Carter, et al.* 1:14-cv-01609-CKK(D.D.C. 2015)

⁵ *Manning v. Carter, et al.* 1:14-cv-01609-CKK(D.D.C. 2015)

⁶ Harper Jean Tobin and Jennifer Levi, “Securing Equal Access to Sex-Segregated Facilities for Transgender Students,” *Wis. J.L. Gender, & Soc’y* 28 (2013): 301.

⁷ E. Coleman et al., “Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7,” *International Journal of Transgenderism* 13, no. 4 (August 2012): 165–232, doi:10.1080/15532739.2011.700873.

⁸ Tobin and Levi, “Securing Equal Access to Sex-Segregated Facilities for Transgender Students.”

⁹ “LGBT Nondiscrimination and Anti-LGBT Bills Across the Country,” *American Civil Liberties Union*, accessed January 25, 2016, <https://www.aclu.org/lgbt-nondiscrimination-and-anti-lgbt-bills-across-country>.

¹⁰ Jody L Herman, “Gendered Restrooms and Minority Stress: The Public Regulation of Gender and Its Impact on Transgender People’s Lives,” *Journal of Public Management & Social Policy* 19 (2013): 65–80.

WHEREAS inability to access restroom facilities and avoidance of restroom use is a health issue and has been shown to lead to problems including dehydration, kidney infections and urinary tract infections¹¹, and

WHEREAS restroom restriction legislation effectively makes it illegal for transgender people to live as the gender with which they identify, which as explicated above, has significant health implications and furthermore sends the message to transgender people that they are unwanted, unprotected, and to be feared, and

WHEREAS the American Academy of Family Physician (AAFP) already has policy opposing “all discrimination in any form, including but not limited to, that on the basis of actual or perceived race, color, religion, gender, sexual orientation, gender identity, ethnic affiliation, health, age, disability, economic status, body habitus, or national origin”¹², but is not explicit on this public restroom issue, therefore, be it

RESOLVED, that New York State Academy of Family Physicians (NYSAFP) endorse existing anti-discrimination laws protecting people from discrimination based on gender expression and identity AND oppose restroom restrictive laws that compromise the safety and health of transgender people, and be it

RESOLVED, that the NYSAFP supports adding gender expression and gender identity to the protected categories within New York State’s anti-discrimination laws through the Gender Expression Non-Discrimination Act (GENDA)¹³and be it further,

RESOLVED, that the NYSAFP take a resolution to the AAFP Congress of Delegates (COD) asking the AAFP to oppose laws that compromise the safety and health of transgender people.

¹¹ Herman, “Gendered Restrooms and Minority Stress: The Public Regulation of Gender and Its Impact on Transgender People’s Lives.”

¹² “Discrimination, Patient,” 2015, <http://www.aafp.org/about/policies/all/patient-discrimination.html>.

¹³ “Transgender Rights | New York Civil Liberties Union (NYCLU) - American Civil Liberties Union of New York State,” accessed March 1, 2016, <http://www.nyclu.org/issues/lgbt-rights/transgender-rights>.