

Estimates of transgender populations in states with legislation impacting transgender people



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In the current legislative session in fifteen states, legislation has been introduced in state legislatures that may negatively impact transgender residents of those states. Bills introduced have covered four main issues: single-sex facilities, scope and applicability of anti-discrimination laws, religious freedom, and vital records. Bills focused on single-sex facilities generally are concerned about limiting access to single-sex facilities at schools and in public spaces based on one's sex assigned at birth. Bills regarding modifications to anti-discrimination laws generally seek to limit protections based on gender identity. Bills regarding religious freedom permit individuals and businesses to discriminate against transgender people based on religious and moral beliefs. Bills regarding vital records generally seek to either limit the ability to change certain vital records documents, like birth certificates, or enforce the use of birth certificates to establish an individual's sex for certain purposes. Table 1 provides a list of the states, the relevant bills in each state with hyperlinks to each, and descriptions of the bills.

In all, we estimate that nearly 300,000 transgender adults and youth (ages 13 and above) reside in these 15 states. We arrived at these estimates based on the best available information about the size of the adult and youth transgender population in the U.S. According to a 2011 study, 0.3% of adults in the U.S. identify as transgender.¹ Based on a review of multiple local probability samples and national convenience samples, Wilson et al. found that between 1.3 and 3.2% of youth are transgender.² One of the studies Wilson et al. examined, the Boston Youth Survey of youth ages 13 to 19 utilized probability sampling and provides the strongest methodological basis for use as the population prevalence of transgender youth for our estimates (1.7%). We limit our estimates to those who are age 13 and over and apply these percentages for youth and adults to population estimates from the U.S. Census Bureau.³ The estimates for transgender youth and adults in each state can be found in Table 2.⁴

¹ Gates, G. (2011). *How many people are lesbian, gay, bisexual, and transgender?* Los Angeles: Williams Institute.

² Wilson, B.D.M, Coper, K., Kastanis, A., and Nezhad, S. (2014). *Sexual Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*. Los Angeles: Williams Institute.

³ U.S. Census Bureau, Population Division, Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2014 .

⁴ Please note that in states where youth impacted by the bill are under age 13, the estimated population sizes presented here will be underestimates, meaning more people may be affected by the bill than estimated here.

Table 1: State legislation that may negatively impact transgender people, current legislative sessions

STATE	BILLS	TOPIC	POPULATION AFFECTED	DESCRIPTION
Hawai'i	House Bill 2181	Religious freedom	All	Prohibits the state from taking action against individuals and businesses for discriminating against transgender people based on religious or moral beliefs.
	House Bill 2532	Religious freedom	All	Prohibits the state from taking action against individuals and businesses for discriminating against transgender people based on religious or moral beliefs.
Illinois	House Bill 4474	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Requires parental consent for transgender students to use single-occupancy facilities.
Indiana	House Bill 1079	Single-sex facilities	Age 10 and above	Requires adults and youth over age 10 to use public restrooms and other shared facilities according to sex assigned at birth. Imposes criminal punishment for violation (Class B misdemeanor).
	Senate Bill 35	Single-sex facilities	K-12 Students; All age 18+	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Requires adults to use public restrooms and other shared facilities according to sex assigned at birth. Imposes criminal punishment for violation (Class A misdemeanor).
Kentucky	House Bill 364	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth.
Massachusetts	House Bill 1320	Single-sex facilities	All	Requires adults and youth to use public restrooms and other shared facilities according to anatomical sex. Requires sex-segregated educational, athletic, and therapeutic activities and programs to be limited based on anatomical sex.
Mississippi	House Bill 1258*	Single-sex facilities	All	Requires adults and youth to use public restrooms and other shared facilities according to sex assigned at birth, unless a person has been taking hormones to transition under the care of a medical doctor for at least one year.

Table 1, continued: State legislation that may negatively impact transgender people, current legislative sessions

STATE	BILLS	TOPIC	POPULATION AFFECTED	DESCRIPTION
Missouri	House Bill 1624	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth, unless given permission by school superintendent to use other facilities.
	House Bill 1847	Single-sex facilities	All	Requires all shared public restrooms to be designated by sex.
	House Bill 2303	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth, unless the facility is not occupied by any other students at the time of use and the student is accompanied by an administrator or staff member.
	Senate Bill 720	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Requires parental consent for transgender students to use single-occupancy facilities.
Oklahoma	House Bill 1597	Discrimination	All	Allows individuals and businesses to discriminate against transgender people.
	House Bill 2215	Marriage Licenses	All age 16+	Requires couples applying for marriage licenses to disclose if either individual has had transition-related surgery, and requires that marriage certificate state that individual has had transition-related surgery.
	House Bill 3049*	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Students that “exclusively and consistently assert at school” that their gender is different than sex assigned at birth may be allowed to use single-occupancy facilities or employee facilities.
	Senate Bill 440	Religious freedom	All	Prohibits the government from taking action against individuals or religious entities for discriminating based on sex or gender if it would be contrary to religious belief.

Table 1, continued: State legislation that may negatively impact transgender people, current legislative sessions

STATE	BILLS	TOPIC	POPULATION AFFECTED	DESCRIPTION
Oklahoma, continued	Senate Bill 1014*	Single-sex facilities	All	Requires adults and youth to use gender-specific restrooms according to biological gender.
	Senate Bill 1323*	Single-sex facilities	K-12 Students	Provides for withholding of State Aid to school districts that do not restrict use of restrooms and other shared facilities to students based on sex assigned at birth.
South Carolina	House Bill 4761	High school sports teams	High School Students	Requires schools to determine gender of a student before the student may participate in school athletic programs; gender to be determined by sex assigned at birth.
South Dakota	House Bill 1008*	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Requires parental consent for transgender students to use single-occupancy facilities or faculty facilities.
	House Bill 1107	Religious freedom	All	Prohibits the state from taking action against individuals and businesses for discriminating against transgender people based on religious or moral beliefs.
	House Bill 1112*	High school sports teams	High School Students	voids South Dakota High School Activities Association policy requiring school athletic teams to treat students according to gender identity.
	House Bill 1209*	Birth certificates	All	Requires government entities to accept all information on birth certificates as valid. Requires Association to obtain legislature’s consent before adopting policies related to transgender students.
Tennessee	House Bill 2414	Single-sex facilities	K-12 & College Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth.
	House Bill 2600	Vital records	All	Requires that designations of “husband” or “wife”, or “male” or “female”, in vital records match a person’s sex assigned at birth. All documents that do not conform are void.

Table 1, continued: State legislation that may negatively impact transgender people, current legislative sessions

STATE	BILLS	TOPIC	POPULATION AFFECTED	DESCRIPTION
Tennessee, continued	Senate Bill 2275	Vital records	All	Requires that designations of “husband” or “wife”, or “male” or “female”, in vital records match a person’s sex assigned at birth. All documents that do not conform are void.
	Senate Bill 2387	Single-sex facilities	K-12 & College Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth.
Virginia	House Bill 77*	Discrimination	All	States that Virginia Human Rights Act doesn’t prohibit conduct that would violate federal laws and policies that address sex or gender discrimination and were adopted on or after January 1, 2012.
	House Bill 397*	Discrimination	All	Limits Virginia Human Rights Act protections from “sex” and “gender” discrimination only to protect individuals from discrimination based on sex assigned at birth, pregnancy, childbirth, and related medical conditions.
	House Bill 431*	Birth certificates	All	Prohibits change to sex designation on birth certificate unless a court finds that the original designation was incorrect due to a typographical error.
	House Bill 663*	Single-sex facilities	All	Requires individuals to use restrooms in state government buildings according to anatomical sex. Requires students to use school restrooms and other shared facilities according to anatomical sex, unless student has been granted access to a single-occupancy facility.
	House Bill 773*	Religious freedom	All	Prohibits the state from taking action against individuals and businesses for discriminating against transgender people based on religious or moral beliefs.
	House Bill 781*	Single-sex facilities	All	Requires individuals to use restrooms in state government buildings according to sex assigned at birth. Requires students to use school restrooms and other shared facilities according to sex assigned at birth.

Table 1, continued: State legislation that may negatively impact transgender people, current legislative sessions

STATE	BILLS	TOPIC	POPULATION AFFECTED	DESCRIPTION
Washington	House Bill 2589*	Single-sex facilities	All	Amends Washington non-discrimination law to allow public and private entities to limit access to restrooms and other shared-facilities to individuals whose anatomy is consistent with the gender designation; and states that individuals do not have a right under the law to use restrooms and facilities that are not consistent with their anatomy.
	House Bill 2782*	Single-sex facilities	All	States that individuals do not have a right under state law to use public restrooms or other shared facilities that are not consistent with their anatomy or DNA.
	House Bill 2935*	Single-sex facilities	All	Repeals state regulation that allows people to access public restrooms and other shared facilities consistent with their gender identity; and prohibits the Washington Human Rights Commission from issuing regulations that involve gender segregated facilities.
	House Bill 2941*	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to biological sex or sex assigned at birth; schools may provide gender-neutral single occupant restroom.
	Senate Bill 6443*	Single-sex facilities	All	Repeals state regulation that allows people to access public restrooms and other shared facilities consistent with their gender identity; and prohibits the Washington Human Rights Commission from issuing regulations that involve gender segregated facilities.
	Senate Bill 6548*	Single-sex facilities	All	Amends Washington non-discrimination law to allow public and private entities to limit access to restrooms and other shared-facilities to individuals whose anatomy is consistent with the gender designation; and states that individuals do not have a right under the law to use restrooms and facilities that are not consistent with their anatomy.

Table 1: State legislation that may negatively impact transgender people, current legislative sessions

STATE	BILLS	TOPIC	POPULATION AFFECTED	DESCRIPTION
Wisconsin	Assembly Bill 469*	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Requires parental consent for transgender students to use single-occupancy facilities.
	Senate Bill 582	Single-sex facilities	K-12 Students	Requires students to use school restrooms and other shared facilities according to sex assigned at birth. Requires a parent to submit written request in order for a student to use single-occupancy facilities.
Wyoming	House Bill 0098*	Religious freedom	All	Prohibits the state from taking action against individuals and businesses for discriminating against transgender people based on religious or moral beliefs.

*Bill has either been defeated or is not currently being considered.

Table 2: Estimates of transgender state population (age 13+) in states with legislation negatively impacting transgender people

STATE	YOUTH (age 13-19)	ADULTS (age 20+)	TOTAL (age 13+)
Hawai'i	1,921	3,237	5,158
Illinois	20,529	28,643	49,172
Indiana	10,864	14,494	25,358
Kentucky	6,793	9,862	16,656
Massachusetts	10,533	15,443	25,976
Mississippi	4,952	6,535	11,487
Missouri	9,436	13,537	22,973
Oklahoma	6,163	8,468	14,631
South Carolina	7,398	10,855	18,253
South Dakota	1,360	1,856	3,216
Tennessee	10,056	14,668	24,724
Virginia	12,722	18,697	31,419
Washington	10,502	15,861	26,363
Wisconsin	9,071	12,899	21,970
Wyoming	889	1,293	2,182
TOTAL	123,190	176,348	299,538