

Advancing Transgender Equality & Inclusion in Sports, Health Care and Public Life

Proskauer For Good Blog on July 12, 2021

On June 24, 2021, the Governor of New York signed into law the [Gender Recognition Act](#), and Proskauer employees came together in celebration of LGBTQ+ Pride Month to support transgender equality and inclusion in all areas of public life.

With special guest speakers [Chris Mosier](#) of [Transathlete.com](#) and [Sasha Buchert](#) of [Lambda Legal](#), Proskauer associate [Ren Morris](#) and Craig Convissar of [The LGBT Bar Association of Greater New York](#) (LeGaL) led a conversation about the recent wave of state-level anti-transgender legislation, much of which has targeted transgender youth.

A [record-breaking number of anti-transgender bills](#) were enacted in state legislatures across the country in 2021. Over the past year, state legislators have introduced more than 100 transphobic bills, many of which seek to [bar transgender youth from receiving gender-affirming health care](#) and to penalize medical practitioners who provide, and parents who facilitate access to, such care. Another large set of bills could [ban transgender youth from participating in school and college sports](#) and from accessing restrooms and locker rooms consistent with their gender identity.

As Chris and Sasha explained, the rhetoric around these bills is based on stereotypes and the dehumanization of transgender people, and can cause real harm especially for transgender youth. Access to [gender-affirming health care is life-saving](#) for transgender people suffering from gender dysphoria, depression and suicidal ideation. The nation's leading medical organizations have long understood that this care is [medically necessary](#) and effective. Denying transgender youth the [right to play sports as their authentic selves](#) not only deprives them of the educational, social and health benefits of athletic programs, but also further exposes these vulnerable youth to bullying and rejection by their peers. Inclusive policies that permit transgender athletes to participate in sports in accordance with their gender identities have [no negative impact on cisgender athletes or competitive equity](#) – and these policies can significantly improve the mental health and physical wellbeing of transgender people.

Although a number of anti-transgender bills remain pending in other state legislatures, New York State has recently taken a significant step toward transgender equality in passing the [Gender Recognition Act](#) (S.4402/A.5465). Among other things, this new law:

- Permits New York residents to petition to change their sex designation on identity documents issued within New York State – including birth certificates and driver's licenses – to recognize their gender identity, based on the petitioner's affidavit attesting to their gender identity and without the need for medical evidence of one's gender.
- Authorizes New York identification cards such as driver's licenses to display the sex designation of M, F or X, as certified by the applicant and with no additional documentation required.
- Permits each parent of a child to choose to be designated on their child's birth certificate as a "father," "mother" or "parent," and permits a sex designation of "X" on New York birth certificates.
- Proclaims that name change orders or other documentation of name changes are sufficient to change a person's name on their New York identity documents and records, including but not limited to school records, archival records and marriage certificates.
- Directs courts to permit waivers of publication requirements and to seal the records of name change proceedings when an open record of the petitioner's name change would jeopardize their personal safety, with particular consideration given to the risk of violence or discrimination against the petitioner based on their status as transgender.

At Proskauer, we continue to advance transgender equality and inclusion through our diversity programs and pro bono legal services. Proskauer lawyers have won asylum for [transgender immigrants](#) fleeing persecution, obtained legal [name changes for transgender people](#) in need of identity documents that match their lived experiences, advocated for [equal access to homeless shelters](#) for transgender individuals, drafted model hospital policies to promote [equal access to health care for transgender patients](#), and provided corporate governance and tax advice to [The Jim Collins Foundation](#), a nonprofit that funds gender-affirming surgeries for transgender people of limited means. We are committed to lifting up our [LGBTQ+ colleagues](#) and clients.

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