

# New York State Psychiatric Association, Inc.

Area II Council of the American Psychiatric Association  
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Glenn Martin, M.D., Chair of Committee on Legislation

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## MEMORANDUM IN SUPPORT

**S4914-B (By Senator Hoylman-Sigal)**

**Passed Senate & Assembly**

**A5480-C (By Assemblymember Bronson)**

**See Above**

***Protects individuals who provide or receive legally protected health activity from criminal or civil liability or professional sanctions imposed by jurisdictions outside the state***

The New York State Psychiatric Association (NYSPA), the medical specialty society of over 4,000 psychiatrists practicing in New York State and a division of the American Psychiatric Association, **strongly supports** the passage and enactment of the above referenced legislation.

This bill strengthens New York's shield laws to provide additional legal protections for those who provide or receive legally protected health activity, including reproductive health care and gender affirming care, from criminal or civil liability or professional sanctions imposed by jurisdictions outside the state. The legislation includes the following:

- Strengthens provisions prohibiting the domesticating (validating) subpoenas (legal demands for information) from out-of-state that seek information from New York for the purpose of investigating and punishing reproductive or gender-affirming care.
- Requires that all out-of-state subpoenas be accompanied by an affirmation declaring that they do not seek information that will be used to investigate or punish legally protected health care.
- Prohibits private entities headquartered or located in New York, such as hospitals and clinics, from cooperating with out-of-state investigative demands that seek to punish reproductive health care or gender-affirming care.
- Empowers the state Attorney General to enforce these protections.
- Clarifies that existing licensure and malpractice protections apply to all types of providers who offer reproductive or gender-affirming care.
- Clarifies existing law to ensure that all families who travel or move to New York to access care can avail themselves of New York's courts.
- Ensures that disputes involving legally protected health activity in New York are subject to New York law.

As of January 2025, 19 states have banned or severely restricted abortion access, and at least 38 state laws have passed laws banning or restricting gender-affirming care. Earlier this year, the federal administration issued an executive order seeking to end gender affirming care for youth. This extraordinary action by the federal administration and other states compels New York to act to protect medically necessary care.

New York State continues to be a leader in the fight for equality and to end discrimination. As other states continue to enact discriminatory laws which prohibit or restrict gender affirming care, particularly for youth, it's vitally important that NY State adds these protections to the gender affirming healthcare shield law passed in 2023. NYSPA strongly supports the enactment of this legislation which improves these protections for patients, families, and clinicians who engage in gender affirming care. The intent of the legislation is consistent with the 2018 position statement of the American Psychiatric Association noting the benefit of gender affirming treatments while advocating for removal of barriers to care, and coverage for "all gender-affirming procedures which would help the mental well-being of gender diverse

individuals.”<sup>1</sup> In addition, the 2020 position statement of the American Psychiatric Association on treatment of transgender and gender diverse youth supports access to affirming and supportive treatment for trans and gender diverse youth and their families, including appropriate mental health services, and when indicated, puberty suppression and medical transition support. The APA also opposes all legislative and other governmental attempts to limit access to these services for trans and gender diverse youth, or to sanction or criminalize the actions of physicians and other clinicians who provide them.<sup>2</sup>

In 2021, the American Academy of Family Physicians, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American College of Physicians, American Osteopathic Association, and American Psychiatric Association, which collectively represent nearly 600,000 physicians and medical students, issued a statement opposing legislation restricting access and delivery of gender-affirming care, as follows:

“Our organizations are strongly opposed to any legislation or regulation that would interfere with the provision of evidence-based patient care for any patient, affirming our commitment to patient safety. We recognize health as a basic human right for every person, regardless of gender identity or sexual orientation. For gender-diverse individuals, including children and adolescents, this means access to gender-affirming care that is part of comprehensive primary care.”<sup>3</sup>

The statement from these medical specialty societies also expressed strong opposition to “any effort to criminalize or penalize physicians for providing necessary care for their patients. Physicians must be able to practice medicine that is informed by their years of medical education, training, experience, and the available evidence, freely and without threat of punishment. Patients and their physicians ... should be the ones to make decisions together about what care is best for them.”

The importance of gender affirming care is supported by research and data. One study found that transgender individuals are up to three times more likely than the general population to report or be diagnosed with mental health disorders, with as many as 41.5 percent reporting at least one diagnosis of a mental health or substance use disorder.<sup>45</sup> Additional data reported by the Centers for Disease Control and Prevention (CDC) found “...that more than half (52%) of LGBTQI+ students had recently experienced poor mental health and that more than 1 in 5 (22%) attempted suicide in the past year.”<sup>46</sup> A recent report from U.S. Department of Health and Human Services on a plan for supporting and affirming LGTBQI+ youth emphasizes, “Supportive families and caregivers, peers, schools, and community environments are all associated with improved mental health and well-being, according to the report. Having even just one caring adult can make a significant, and even lifesaving, difference in the life of an LGBTQI+ youth.”<sup>47</sup> Furthermore, several studies have demonstrated that access to gender affirming treatment results in less depression, substance use, self-harm, and results in improved well-being for gender minority youth.<sup>8</sup>

For all of the above reasons, NYSPA **strongly supports** the enactment of the above referenced legislation and urges its passage before the end of the current legislative session.

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<sup>1</sup> <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Position-2018-Access-to-Care-for-Transgender-and-Gender-Diverse-Individuals.pdf>

<sup>2</sup> <https://www.psychiatry.org/getattachment/8665a2f2-0b73-4477-8f60-79015ba9f815/Position-Treatment-of-Transgender-Gender-Diverse-Youth.pdf>

<sup>3</sup> <https://transhealthproject.org/resources/medical-organization-statements/american-academy-family-physicians-statements/#:~:text=%22The%20AAFP%20opposes%20all%20discrimination,body%20habitus%20or%20national%20origin.%22>

<sup>4</sup> <https://pubmed.ncbi.nlm.nih.gov/26999485/>

<sup>5</sup> <https://www.ama-assn.org/press-center/press-releases/ama-states-stop-interfering-health-care-transgender-children>

<sup>6</sup> <https://public3.pagefreezer.com/browse/HHS.gov/02-01-2024T03:56/https://www.hhs.gov/about/news/2023/03/31/new-hhs-report-released-transgender-day-visibility-offers-updated-evidence-based-roadmap-supporting-affirming-lgbtqi-youth.html>

<sup>7</sup> <https://public3.pagefreezer.com/browse/HHS.gov/02-01-2024T03:56/https://www.hhs.gov/about/news/2023/03/31/new-hhs-report-released-transgender-day-visibility-offers-updated-evidence-based-roadmap-supporting-affirming-lgbtqi-youth.html>

<sup>8</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0261039>