

Updated: May 2026



# Sexual Orientation and Gender Identity Policies

## Summary and Key Points

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### Policy Proposals

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1. Protect the freedom of all Americans to think, speak, work, act, and raise their children according to their beliefs about marriage, the innate sexual differences between men and women, and biological reality.
2. Protect minors from harmful “gender-transition” procedures and “therapies.”
3. Protect families from parental exclusion and secrecy policies in education and health care.
4. Protect families from judicial and child protective systems that have been weaponized to take children away from parents who refuse to treat their child as the opposite sex. Protect foster and adoptive families.
5. Codify the accurate definition and interpretation of sex in vital records and in laws relating to sex-based rights, including those establishing protections for sex-specific sports and scholarship opportunities, and sex-segregated privacy spaces in shelters, prisons, and jails.
6. Oppose any federal or state law or regulation that would enshrine gender ideology in law.

### Quick Facts

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1. The Biden Administration poured unprecedented funding—more than \$4 billion<sup>1</sup>—and personnel into enforcing gender ideology and LGBTQ orthodoxy<sup>2</sup> in and through every government agency.
2. The Trump Administration rolled back damaging Biden executive actions, restoring the correct interpretation of “sex” to mean biological sex, not a subjective, internal sense of “gender.” As a result of Trump executive actions, more than 40 U.S. hospitals stopped providing sex-rejecting interventions to minors.<sup>3</sup>
3. The divide between “red” and “blue” states increased as many red states began to pass protections against gender ideology and LGBTQ orthodoxy into law, while blue states enacted laws and policies protecting providers of sex-rejecting interventions and enforcing radical ideology by intervening between parent and child in schools and child welfare systems.<sup>4</sup>
4. Twenty-seven states banned pediatric sex-rejecting procedures, while 17 states and Washington, DC, passed “shield” laws or policies for them.
5. Thirty-nine states allow birth certificates to be altered to falsify the sex marker.<sup>5</sup>

6. More than 1,000 male inmates in California applied for transfer to female prisons after California passed SB 132 in 2021 allowing housing by “gender identity” not sex.<sup>6</sup> California, Washington, Oregon, New Jersey, Massachusetts, New York, and other states house men who “identify” as women in female prisons, leading to rapes and pregnancies of incarcerated women. President Trump’s order banning men from federal female prisons has been consistently blocked through lawsuits brought by males protesting their return to male prisons.<sup>7</sup>
7. Americans have grown increasingly wary of the tenets and practices of gender ideology. A majority of Americans favor keeping biological males out of female sports and sex-specific private spaces, and banning sex-rejecting interventions for minors.<sup>8</sup>
8. The Supreme Court issued four landmark rulings protecting individuals, children, and families from forced compliance with SOGI laws and policies.

### What to Say About SOGI Policies

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- The government should not force anyone to deny basic biological differences between men and women. Laws meant to protect fairness and safety should not be rewritten to ignore biological reality.
- Parents, not schools or government agencies, should make medical and social decisions for their children. When government enforces ideology as law, parents lose trust, familial bonds are damaged, and children pay the price.
- Families should be protected from losing their children through ideologically driven state overreach. Children in state care should not be denied placement with a safe and loving family simply because prospective foster or adoptive parents hold to biological reality or traditional beliefs about sexuality.
- Schools should not be allowed to hide information from parents or exclude them from decisions involving their own children.
- Children should be protected from irreversible medical interventions, pushed on them before they can fully understand the consequences.
- Sex-based spaces and sports exist to protect privacy, safety, fairness, and opportunity, especially for women and girls. It is dangerous and inhumane to force women to share spaces with males in bathrooms, lockers, sleeping quarters, shelters, and prisons.

### The Issue

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Americans face growing pressure in education, culture, and the marketplace to embrace radical ideologies that deny the truth of natural marriage and the reality of biological sex. Efforts to embed acceptance of these fringe beliefs began under the Obama Administration, emboldened by the Supreme Court’s 2015 *Obergefell* decision overturning the definition of marriage. LGBTQ activists pivoted to seeking to establish “transgender rights” as the next civil rights issue.

The Biden Administration aggressively promoted this radicalism both domestically and abroad. President Joe Biden sought to embed SOGI policies in every facet of life, from education to child welfare, judicial systems, and medicine, through lavish funding and unprecedented lawfare and enforcement.

Culturally, from social media and Hollywood to cereal boxes and children’s books, a relentless flood of propaganda denounced those who did not affirm gender ideology and sexual radicalism. Mega corporations and tech giants threatened boycotts of entire cities and states that failed to toe the party line. Social media platforms actively censored dissenting accounts.

Twenty-two states and hundreds of localities enacted laws enshrining SOGI policies in civil rights code to punish those who dissented from this state-sanctioned orthodoxy.

These laws spawned lawsuits against countless businesses. They also cleared the way for dangerous and experimental medical procedures on minors, jeopardized the safety and privacy of women and girls, undermined parents' rights and the conscience rights of medical providers, and violated freedom of religion and speech.

Boys and men “identifying” as girls and women began to compete in female sports and use women’s private spaces with impunity and elite approval. These fundamentally unfair policies resulted in severe injuries to girls, and deprived girls of countless scholarships and awards, effectively preventing them from reaching their full potential.

Schools indoctrinated students into radical views of sexuality and secretly “transitioned” children. Parental exclusion policies have been adopted by schools in thousands of districts, affecting millions of children. These policies secretly “transition” children into living a double life at school as the opposite sex and often lead to the involvement of hostile child protective systems against the parents.

Child protective services took children away from parents across the country who did not “affirm” them as the other sex by using false pronouns or consenting to puberty-blocking drugs, cross-sex hormones, and surgeries. Children came to terrible harm in state care, and some even died.<sup>9</sup>

California, Washington State, and Oregon passed laws enabling and encouraging children as young as 12 to run away from home to state-sponsored residential facilities that hide them from their parents and provide social and medical interventions to “transition” them to the opposite sex.

Several blue states adopted “trans shield laws” granting the state emergency custody of a child running to the state, or trafficked by any adult to the state, if the purpose is for the child to receive sex-rejecting medical interventions.

Blue states housed violent, physically intact convicted male sex offenders and murderers in female prisons, based simply on the male prisoners’ claim of a female “gender identity.” As a result, female prisoners have been assaulted, raped, and impregnated.

As harm accrued in all these fields, courageous advocates pushed back, resulting in many new state laws and policies and dozens of lawsuits.

By 2025, some 30 lawsuits had been filed relating to secret “transition” policies and compelled gender ideology indoctrination in schools. Teachers and students began to win legal challenges to school policies compelling the use of wrong-sex pronouns and keeping “transitions” secret from parents.

Public opinion on pediatric sex-rejecting interventions began to shift as “detransitioners”—such as Chloe Cole, whose breasts were amputated when she was a minor—stopped sex-change measures and returned to living as their biological sex, publicly testifying of the harms they suffered from puberty blockers, cross-sex hormones, and destructive surgeries. Close to 30 lawsuits were filed by detransitioners against the doctors who harmed them.

In January 2026, for the first time, a jury awarded \$2 million in damages to a detransitioner plaintiff.<sup>10</sup>

Whistleblowers like Jamie Reed, a gender clinic worker, came forward about the harms of sex-rejecting interventions.<sup>11</sup> Legal proceedings revealed evidence suppression by the World Professional Association for Transgender Healthcare (WPATH), from which medical associations derive their guidelines.

Documentation came to light through discovery required by an Alabama lawsuit, *Boe v. Marshall*, showing that WPATH had adopted terminology like “life-saving” and “medically necessary” to describe sex-rejecting procedures not because of evidence supporting the procedures but to secure insurance coverage and fight legal challenges. Correspondence between Dr. Rachel Levine and WPATH proved that the Biden Administration and the American Academy of Pediatrics had also pressured WPATH to lift age minimums for invasive pediatric procedures.<sup>12</sup>

Current and prospective foster and adoptive parents filed multiple lawsuits and began to prevail against states that required families to “affirm” the lies of gender ideology in order to foster a child.

Three landmark rulings, one on gender medicine bans (*Skrmetti*), one on parental rights to refuse LGBTQ indoctrination (*Mahmoud*), and a third on the right of counselors not to be compelled to “affirm” a patient’s gender dysphoria or unwanted same-sex attraction (*Chiles*), were issued in 2025 and 2026 by the Supreme Court, with a ruling on sex-segregated sports still under consideration.

The Supreme Court also reaffirmed parental rights by vacating in part a Ninth Circuit ruling in *Mirabelli v. Bonta*, dealing with secret gender “transition” policies at school. The Court built on its *Mahmoud* decision, stating that “Indeed, the intrusion on parents’ free exercise rights here—unconsented facilitation of a child’s gender transition—is greater than the introduction of LGBTQ storybooks we considered sufficient to trigger strict scrutiny in *Mahmoud*.”

One of the clearest signals of change was the prominence of transgender issues in the election that swept President Donald Trump to victory in 2024. The second Trump Administration has prioritized the protection of women and children from Day One, with multiple executive orders reversing harmful policies enacted by the Biden Administration. Executive orders and actions by the Departments of Education, State, Health and Human Services (HHS), and Justice (DOJ) have restored the correct meaning and interpretation of “sex” in policy and regulations.

The Trump Administration pardoned a Texas doctor, Eithan Haim, the day before he was set to go to prison because of the Biden Administration’s aggressive prosecution. Haim had blown the whistle on a Texas children’s hospital that was secretly performing sex-rejecting procedures after it had stated it would cease the practice. After the White House issued its policy denying Medicaid funding for sex-rejecting procedures and for hospitals performing them, major gender clinics responsible for harming children began to close their doors.

The White House commissioned an independent, peer-reviewed “umbrella” review of evidence on pediatric gender medicine. Like the United Kingdom’s official Cass review and more than a dozen other systematic reviews, the Administration report concluded that evidence justifying sex-rejecting procedures was weak and the risk of harms high. In February 2026, the first two major medical associations broke ranks with the ideological consensus of other associations and recommended that doctors not perform sex-rejecting surgeries on minors.

While much progress has been made against gender ideology, and the current Administration has taken strong stands resulting in significant victories, the battle for lasting protections is far from won. The evils of gender medicine have shifted to the private sector, online, or underground. The web of lavishly funded activist groups and institutional radicals seeking to enshrine gender ideology in every part of society is as active as ever. They continue to engage in near limitless lawfare and to promote indoctrination in schools, while biding their time until the next favorable Administration.

## Recommendations

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To protect children, parents, businesses, and all Americans from being forced to comply with radical sexual ideology, state and federal policymakers should:

**Protect the freedom of all Americans to think, speak, work, act, and raise their children according to their beliefs about marriage, the innate sexual differences between men and women, and biological reality itself.** Americans should be free at school, in the workplace, and in the public square to live according to their moral, religious, and scientific beliefs on these matters. Conservatives should push for legislation that recognizes and protects the decent and honorable beliefs of *all* Americans, not just those who agree with government-enforced orthodoxy. Bills like the First Amendment Defense Act would do just that. The bill prohibits the federal government from punishing any entity with which it contracts or which it accredits or licenses for affirming that marriage is exclusively between a man and a woman. Such laws will ensure that medical professionals, school faculty, religious institutions, and parents can live and act freely without fear of punishment.

**Preserve and protect the right of parents to approve what their children are taught and exposed to and to oversee their children’s medical treatment.** The Supreme Court has long recognized that parents have the primary right and duty to care for and guide their children. As the Court affirmed in *Pierce* (1925), “The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” State and federal policies must protect children by ensuring that parental rights are treated with the strictest respect. As many states have already done, others should **pass** laws requiring parental notification of a child’s gender confusion, consent for any medical or counseling interventions, and banning secret “transitions” at school. Legislators should support bills that require opt-ins (rather than opt-outs) for sensitive curricula and protect parental consent when it comes to medical and mental health care for minors.

**Protect minors from harmful “gender-transition” procedures and “therapies.”** Contrary to activists’ claims, the best medical research does *not* show that “gender transition” improves mental health for minors. The longest-term study, published in 2011, found that even adults who fully transition are 19 times more likely than the average person to commit suicide.<sup>13</sup> Moreover, those who transition chemically or surgically experience irreversible damage, such as sterilization, sexual dysfunction, atrophy, loss of bone density, or heart disease. This damage is especially tragic, as among minors who struggle with gender dysphoria, up to 88 percent of girls and 98 percent of boys who are not prevented from going through puberty reconcile with their biological sex. Internationally, the U.K. has closed its only pediatric gender clinic. And the U.K., as well as Denmark, Finland, and Sweden, have now put strict limits on these procedures.

Every credible systematic evidence review worldwide has concluded that the evidence for sex-rejecting procedures is weak and the risks high. These reviews include the 2025 comprehensive HHS “umbrella review” of all available systematic reviews and the 2024 Cass Review published by the British government. In the United States, as of January 2026, 27 states have passed laws protecting children from these experimental sex-rejecting procedures. In 2025, the Supreme Court issued a landmark ruling in *Skrmetti* affirming the right of states to pass such bans.

However, many other states have passed “shield laws,” including laws wrongfully asserting state custody over minors who run to or are trafficked to those states, if the purpose is to obtain sex-rejecting procedures. These “shield laws” must be overturned and federal legislation passed to address these violations of parental rights and the damage done to children.

**Anchor the definitions of sex, male, and female firmly in biological reality.** “Sex” means the immutable, biological, and binary reality that humans are either male or female. Without such clarity, the legal protections

afforded women disappear. One cannot protect what one cannot define. On Day One of his second Administration, President Trump issued an executive order restoring the correct meaning of “sex” to U.S. law. The order overturned the Biden Administration’s **attempt** to legally redefine “sex” to include “gender identity” and “sexual orientation.” However, to permanently protect Americans from the threat of these ideological constructs, both federal and state legislators should anchor the legal definitions of *sex*, *male*, *female*, *man*, and *woman* in biology and oppose the adoption of the “LGBTQIA+” lexicon. Many states have now adopted these accurate definitions of sex into law, and more must do so.

Pass state legislation restoring the integrity of vital and state records. As of January 2026, more than 40 states allow the falsification of sex designations on vital and state records such as birth certificates and driver’s licenses. This in turn leads to falsified public records relating to health, sex-separated spaces, and criminal records. Some states destroy original birth certificates after the sex designation has been altered. States should pass legislation restoring the integrity of their vital and state records.

Pass state and federal legislation that clarifies it is *not* abuse to raise a child according to his or her sex. Ideologues in child welfare, social services, education, and the legal system have been training these sectors for many years to consider not “affirming” a child’s claim to be the opposite sex, either through social or medical interventions, as “abuse.” This perversion of the concept of “abuse” underlies secrecy policies in schools, the wrongful removal of children from parents, and the denial of foster homes to children. Three states passed such a definition of “abuse” in 2025; four more introduced such bills in 2026, and others should follow.

Defund dangerous SOGI training and replace it with training that recognizes biological reality, scientific fact, and the right of parents to raise their children according to their values.

### **Oppose any federal and state bills and regulations that would enshrine gender ideology in law.**

Activists have been trying to expand the “discrimination” prohibitions on the basis of sex to include sexual orientation and gender identity. Many blue states have added such language to their non-discrimination state codes and then taken action against individuals and entities who do not comply. Colorado baker Masterpiece Cake owner Jack Phillips was sued three times by LGBTQ customers for refusing to provide gay marriage or sexual activity-themed cakes. A federal SOGI law like the laughably misnamed Equality Act, introduced each Congress, would have a devastating effect on Americans. The bill effectively erases the meaning of sex by including “gender identity” in its definition. It would also explicitly revoke the protections of the Religious Freedom Restoration Act for services and spaces offered by religious organizations, such as pregnancy resource centers, soup kitchens, schools, drug addiction programs, and adoption agencies. Tying SOGI language to federal funding or tax-exempt status would curtail religious freedom. Disqualifying all groups that object to the new sexual orthodoxy would cost the federal government some of its best partners in serving the public.

Feelings of gender confusion do not constitute a protected “identity,” nor is holding perennial views on the nature of marriage and the reality of sex “discrimination.” Policymakers must uphold Americans’ rights to think, speak, act, and raise their children according to their moral, medical, and scientific views on these subjects.

In addition, bills like the Fairness for All Act and the Respect for Marriage Act are not enough to protect the common good. They wrongly elevate sexual orientation and gender identity to protected categories of civil rights law and contain only narrow religious exemptions for limiting the harms. Short of stand-alone bills, gender activists push for laws and regulations that accomplish the same goal—one word or phrase at a time. Legislators must learn to spot buzzwords that disguise such efforts. These include the use of “gender” to refer to “gender identity,” terms such as “gender minorities,” “sexual minorities,” and “gender equity,” and offensive euphemisms, such as “menstruating individual” or “birthing person” rather than “woman” or “mother.”

At the United Nations and other international organizations, the U.S. should:

**Strengthen the protection of individual human rights and oppose creation of new rights based on gender ideology.** Gender activists view the United Nations as a beachhead to advance their social policies in ways that influence American law and policy. The United States should promote reform of the U.N. human rights bureaucracy and hold it to its mandate to promote and protect basic freedoms. The United Nations should not impose an extreme ideology that is contrary not only to the Western tradition but to the views of every other traditional culture. The United States should respect the sovereignty of other U.N. member states in these matters and reject any insertion of SOGI language into negotiated U.N. texts.

## Facts + Figures

**FACT: Contrary to activists' claims, medical "transition" procedures that modify sex traits are harmful and should be prohibited, especially for minors.**

- All systematic evidence reviews worldwide over the past few years have arrived at the same conclusion: There is no credible evidence that justifies sex-rejecting procedures for minors. An "umbrella review" of systematic reviews was commissioned by President Trump through HHS and conducted in 2025 by independent researchers. In addition to official national reviews conducted by Denmark, Sweden, and Finland, the United Kingdom conducted a lengthy review under the direction of Dr. Hilary Cass, published in 2024. All of these found low-quality evidence of benefits and high risks.
- A major long-term study on gender transition found that adults who medically "transitioned" were more than 19 times more likely to commit suicide than the average person.<sup>14</sup>
- According to the American Psychiatric Association's Diagnostic and Statistical Manual<sup>15</sup> up to 88 percent of girls and 98 percent of boys experiencing gender dysphoria will reconcile with their biological sex if allowed to go through puberty.
- The gender industrial medical complex has built an estimated \$4.4 billion market for chemical and surgical sex-rejecting interventions.
- In the United States, between 2019 and 2023, at least 13,994 minors underwent sex-change treatments, at least 5,747 minors had sex-change surgeries, at least 8,579 minors received hormones and puberty blockers, and at least 62,682 sex-change prescriptions were written for minors.<sup>16</sup> The actual numbers are likely significantly higher, as the reports are drawn from aggregated insurance records, which not all of the major providers of sex-rejecting procedures released.
- The number of detransitioners has grown to tens of thousands in online groups. Close to 30 lawsuits have been filed in the United States against medical practitioners of sex-rejecting procedures. In January 2026, a jury awarded the first settlement of \$2 million to a detransitioner.
- A Heritage Foundation study found that U.S. states where minors have access to puberty-blocking drugs without parental consent had higher teen suicide rates than states that require parental consent.<sup>17</sup>

**FACT: SOGI policies and laws harm Americans in countless ways.**

- "Gender-affirming" medical interventions put minors on a pathway to sterilization and lifelong medicalization of psychological distress.
- While 27 states have passed bans on sex-rejecting procedures for minors, 17 states and the District of Columbia have "shield laws" or policies for sex-rejecting interventions. A number of these "shield" states have passed laws that wrongfully assert custody over children who run away to them or who are trafficked by an adult if the purpose is to obtain sex-rejecting interventions.

- Despite a Supreme Court ruling protecting his freedom of speech, Jack Phillips, owner of Masterpiece Cakeshop, was sued three times for refusing to violate his conscience by affirming same-sex marriage and gender ideology.
- In 2018, the City of Philadelphia passed an ordinance that shut down Catholic Social Services for its view of marriage. In states that have passed SOGI restrictions for foster and adoptive parents, thousands of families have been denied to children in the welfare system who desperately need homes.
- The Biden Administration rule requiring children identifying as LGBTQ to be placed only with families “affirming” their ideology rendered countless homes ineligible to children who needed them.
- Children across the United States, even in red states, have been removed by child protective services from parents who refused to medicalize them or use wrong-sex pronouns. Some have suffered great harm and even died once disconnected from their families.
- In 2018, a man identifying as a woman sued a women-only shelter in Anchorage for refusing to let him in.
- Incarcerated women have been assaulted and raped by male prisoners housed with them. After California passed a law granting housing by gender identity over sex, more than 1,000 men requested a transfer to female prisons.
- Trans-identifying men in prison are far more likely than the general prison population to be sex offenders. According to the Federal Bureau of Prisons, 48.5 percent of trans-identifying male inmates are convicted sex offenders, compared to 13.5 percent of the general federal prison population.
- Thousands of medals and opportunities have been awarded to boys and men in female sports, displacing girls and women who earned them. Policies that allow boys to “identify as” female to compete in girls’ sports teams harm girls. In Connecticut, high school track and field athlete Chelsea Mitchell lost four state championship titles to a boy who identifies as a girl. This cost Chelsea her well-deserved athletic and scholarship opportunities. A West Virginia trans-identifying athlete who is a party to a lawsuit before the Supreme Court is estimated to have displaced 400 girls over the course of his participation in female sports.
- Twenty-seven states have passed laws protecting female sports from male participation. The American Civil Liberties Union and other activist groups have challenged the bans. The Supreme Court heard two of these cases in January 2026.

**FACT: Most Americans believe that those who support natural marriage and recognize biological sex should be free to express their beliefs.**

- About six of every 10 Americans believe that employers and insurers (66 percent) and doctors and medical professionals (59 percent) should not be forced to pay for or perform “gender-affirming” (which are in effect sex-erasing) surgeries.
- At least two-thirds of Americans oppose letting boys and men compete in girls’ and women’s sports.
- Most Americans support laws restricting minors’ access to puberty blockers, cross-sex hormones, or surgeries for purposes of gender transition.
- Sixty-five percent of Americans agree that nonprofits should be free to follow their convictions rather than affirm same-sex marriage and gender transition.
- Eighty-nine percent of Americans agree: The best way to help foster kids and orphans is to draw from a wide range of adoptive families and agencies—including those that affirm the natural truths of sex and marriage.

**FACT: A sweeping, federal SOGI law like the Equality Act<sup>18</sup> would hobble the services of some 350,000 religious organizations. These include pregnancy resource centers, soup kitchens, schools, drug addiction programs, and adoption agencies.**

- Religious institutions contribute \$1.2 trillion to the economy every year.
- These organizations serve 70 million Americans a year, and their services are valued at more than \$44.3 billion annually. Such private services are often better at meeting human needs than are government programs.

## Resources

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