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Correcting GOP Lies about Blue State Bills on Transgender Youth

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House Judiciary Republicans held a subcommittee hearing in July on “The Dangers and Due Process Violations of ‘Gender-Affirming Care,’” during which they made several false claims about laws and pending legislation in blue states regarding transgender youth. These issues are complex and nuanced, and public understanding about gender affirming care is not served by misinformation. Below is a short analysis of the mischaracterizations voiced around these policies, and what they actually entail.

California

AB 665

Assembly Bill (AB) 665 was introduced in February 2023 to allow minors 12 and older to receive mental health services without needing parental consent.

Opponents’ lies: House Republicans said this bill would allow mental health professionals to strip custody from parents who refuse to get their children gender-affirming surgery. They argued that school counselors could take children as young as 12 away without an allegation of abuse so they could undertake surgery without parental consent. Some even claimed counselors will use the bill to “indoctrinate kids into far-left ideology.” ¹

The truth: This bill would allow minors over 12 on Medicaid to receive mental health services, like counseling, without parental consent. This would expand services currently granted to minors over 12 with private insurance, a law signed by Republican Governor Schwarzenegger in 2010, to those on Medicaid. The bill makes no changes to custody laws or child removal processes. Minors would still need parental consent for any medical procedures, including puberty blockers, hormones, and surgery. ²

AB 957

Assembly Bill (AB) 957 was introduced in February 2023 to expand the factors considered as part of the “health, safety, and welfare of the child” in custody cases.

Opponents’ lies: House Republicans claimed this bill would allow parents to be charged with child abuse if they don’t affirm the gender identity of their child. And they argued it would require judges overseeing custody disputes with transgender children to favor the parent who supports the child’s gender identity. ³

The truth: In custody cases, judges consider several factors including the amount of contact a child has with a parent, the nature of the contact, and the health, welfare, and safety of the child. This bill would add gender affirmation as a factor to measure health, welfare, and safety. It would be one of the factors considered, not the only factor. Parents would not be charged with child abuse. ⁴

Washington

SB 5599

Senate Bill (SB) 5599 was signed into law by Governor Inslee in May 2023 to protect transgender children from the intervention of estranged parents. It is not uncommon for parents to kick their child out of the house for being gay or transgender.

Opponents' lies: House Republicans claimed this law encourages children to run away from home to shelters to receive “transgender surgery” without their parents’ consent. They’ve called it “state-sanctioned kidnapping,” claiming host homes, and therefore the government, can hide children from their parents. They’ve also called it “child abuse,” accusing the government of providing gender-affirming care to minors without parental consent. They argue that the law strips parents of their right to intervene in their child’s medical care. ⁵

The truth: Before this law was passed, Washington state required organizations providing services to homeless or runaway youth to notify a minor’s parents of their location within 72 hours, unless there is a compelling reason, such as abuse or neglect. Instead, the Department of Children, Youth, and Families would be notified, assess the situation, and, if feasible, reunify the family. SB 5599 would add as a compelling reason youth who are seeking protected health care services, including reproductive and gender-affirming care. This law does not make any changes to existing laws surrounding medical care for minors or parental consent. ⁶

Oregon

HB 2002

House Bill (HB) 2002 was signed into law by Governor Kotek in July 2023 requiring Medicaid and private insurance companies to cover procedures that health care providers deem medically necessary.

Opponents' lies: House Republicans claimed this law allows minors 15 and older to receive sex reassignment surgeries without parental consent. ⁷

The truth: This law requires insurance companies to cover procedures that health care providers determine are medically necessary, including abortion and gender-affirming care. It is extremely rare for minors to receive surgical interventions. This law does not make any changes to existing laws surrounding parental consent. The current medical age of consent in Oregon is 15. For context, the medical age of consent in Alabama is 14. ⁸

ENDNOTES



- 1.** Hill, Bailee. “Democrat warns California moving toward ‘state-sanctioned kidnapping’ with mental health bill for minors.” *Fox News*, 29 Mar 2023. <https://www.foxnews.com/media/democrat-warns-california-moving-toward-state-sanctioned-kidnapping-mental-health-bill-minors>. Accessed 24 Aug 2023.
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- 3.** [1] Hays, Gabriel. “Newly amended California bill could punish parents refusing to ‘affirm’ child’s gender identity.” *Fox News*, 10 June 2023. <https://www.foxnews.com/media/newly-amended-california-bill-punish-parents-refusing-affirm-childs-gender-identity>. Accessed 24 Aug 2023.
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