

Judge overturns Arkansas law banning gender transition care for minors

June 21 2023, by Cara Murez



An Arkansas law banning gender transition care for minors, which has

been on pause since 2021, was struck down on Tuesday after a U.S. federal judge ruled that it discriminated against transgender people.

The ruling applies only in Arkansas, but it is the first of what legal scholars expect will be addressed in courts nationwide for years to come.

[Judge James Moody Jr.](#), of the Federal District Court in Little Rock, also found that the law violated the constitutional rights of doctors.

"Rather than protecting children or safeguarding medical ethics, the evidence showed that the prohibited [medical care](#) improves the [mental health](#) and well-being of patients and that by prohibiting it, the state undermined the interests it claims to be advancing," Moody wrote in his [ruling](#).

"Further," he wrote, "the various claims underlying the state's arguments that the act protects children and safeguards [medical ethics](#) do not explain why only gender-affirming medical care—and all gender-affirming medical care—is singled out for prohibition."

While Arkansas Attorney General [Tim Griffin](#) planned to appeal the decision on the grounds that the judge overlooked concerns about the riskiness of treatments, members of the LGBTQ community celebrated the decision.

"I'm so grateful the judge heard my experience of how this [health care](#) has changed my life for the better and saw the dangerous impact this law could have on my life and that of countless other [transgender people](#)," Dylan Brandt, a transgender teenager and a plaintiff in the case, said in a [statement](#) released by the American Civil Liberties Union, which had challenged the law.

The law would have prevented doctors from providing their minor

patients with [hormone therapy](#), puberty blockers and gender transition surgeries and caused providers to lose their licenses if they did provide this care.

It also would have allowed private insurance companies to decline transgender care for patients of all ages, and doctors would have been prevented from referring patients to another state for care, the *New York Times* reported.

"This is the beginning of what is likely going to be a significant, multi-state national litigation battle over [transgender rights](#)," [Joshua Silverstein](#), a law professor at the University of Arkansas at Little Rock, told the *Times*.

Still, it "sets the tone that especially in a conservative state like Arkansas, legislatures can't simply pass laws that infringe on citizens' constitutional rights," said [Danielle Weatherby](#), a law professor at the University of Arkansas.

[Gov. Sarah Huckabee Sanders](#), a Republican, was among those supporting an appeal of the ruling, saying "this is not 'care'—it's activists pushing a political agenda at the expense of our kids," the *Times* reported.

About 1,800 transgender youths live in Arkansas, according to estimates from the LGBTQ research organization called the Williams Institute.

"There is no evidence that the Arkansas health care community is throwing caution to the wind when treating minors with [gender dysphoria](#)," Moody wrote, adding that "the state has failed to prove that its interests in the safety of Arkansas adolescents from gender-transitioning procedures or the medical community's ethical decline are compelling, genuine or even rational."

Other states, like Alabama, Nebraska, Texas and Florida, have also passed laws on transition care, the *Times* reported. Alabama's laws would imprison providers. Texas bans hormones, puberty blockers and surgeries for transgender children. Florida's law also targets transgender adults. Legal challenges to some are ongoing.

More information: The nonprofit KFF has more on [youth access](#) to gender-affirming care.

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Citation: Judge overturns Arkansas law banning gender transition care for minors (2023, June 21) retrieved 27 April 2024 from

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