

## FOR IMMEDIATE RELEASE

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### **Kentucky Families and Civil Rights Groups Urge Supreme Court to Rule Against Discriminatory and Harmful Transgender Health Bans**

*In their [friend-of-the-court brief](#) filed today in U.S. v. Skrmetti, Kentucky parents and a wide array of civil rights groups say laws like Tennessee's and Kentucky's discriminate against transgender people and harm youth and their families*

LOUISVILLE, Ky - Kentucky parents of transgender children and a wide array of civil rights groups have [weighed in as the Supreme Court prepares to hear U.S. v. Skrmetti](#), the challenge to Tennessee's ban on healthcare for transgender adolescents. The families are plaintiffs in *Doe v Thornbury*, a challenge to a similar law in Kentucky, and are joined by SAGE, National Trans Bar Association, LGBT Bar Association of Greater New York, Mazzoni Center, Americans United for Separation of Church and State, and Bay Area Lawyers for Individual Freedom (BALIF). They are represented by the American Civil Liberties Union of Kentucky, the National Center for Lesbian Rights, GLBTQ Legal Advocates & Defenders, and Morgan, Lewis & Bockius LLP.

The brief argues that the bans in Tennessee and Kentucky, like those passed in other states, intentionally discriminate against transgender youth by denying them medications that are prescribed for other youth. These laws do not ban these medications for all minors, but only when they are prescribed for transgender minors. As a result of this discriminatory treatment, transgender youth are unable to obtain the only effective treatment for the severe distress caused by gender dysphoria.

“The parents challenging these laws have seen firsthand the positive impact appropriate medical care has had on their children’s wellbeing, and the detrimental health impacts their kids experience without it,” **said Corey Shapiro, Legal Director at the ACLU of Kentucky.** “Denying these treatments to transgender youth who need them is not only unlawful, it is heartbreaking for parents. We are proud to represent these Kentucky families and will continue to fight for their right to make decisions for their families without government interference.”

“You don’t have to know about transgender health care to know that these bans are not about medicine – they are about discrimination,” **said Jennifer Levi, Senior Director of Transgender and Queer Rights at GLBTQ Legal Advocates & Defenders.** “They ban safe, effective and widely available medications only when they are prescribed for transgender adolescents. The discrimination baked into these laws is intentional, clear, and devastating. The Supreme Court in *Bostock* powerfully affirmed that discriminating against transgender people is sex discrimination. Under that standard, no state can justify denying transgender adolescents essential medical care.”

“Families, not the government, should make decisions about medical care,” **said Shannon Minter, Legal Director at the National Center for Lesbian Rights.** “These bans target youth whose doctors have determined they need this care and whose parents have made informed decisions about what is best for their own children.”

The overwhelming consensus among medical professionals is that established medical treatments are safe, effective, and necessary to protect transgender adolescents’ wellbeing. Yet, 26 states have passed laws banning essential medical care for transgender youth.

Across the country, federal district courts have held that bans like those in Tennessee and Kentucky single out transgender youth in order to deny them safe, effective, and well-established medical care. In *U.S. v. Skrametti*, the Supreme Court agreed to review a Sixth Circuit opinion which reversed district court decisions blocking these bans in Tennessee and Kentucky. The U.S. Department of Justice intervened in the Tennessee case, *L.W. v. Skrametti*, and the U.S. Solicitor General will argue against the ban when the Supreme Court hears the case later this year.

“If America is to make good on its promises of freedom without favor and equality without exception, families and their doctors, not politicians, must be able to make health care decisions for transgender youth,” **said Rachel Laser, president and CEO of Americans United for Separation of Church and State.** “We urge the Court to protect everyone’s right to live as their true selves, free from discrimination or litmus tests, and to access the medical care they need.”

“Transgender older adults have lived through eras where access to hormone therapy was severely limited or non-existent,” **said Aaron Tax, SAGE’s Managing Director of Government Affairs and Policy Advocacy.** “Fortunately, today we have evidence-based clinical guidelines that affirm what we now know: hormone therapy is safe, effective, and can be life-saving. Every generation deserves the right to access this vital, gender-affirming care.”

“The National Trans Bar Association endorses the request for the Court to reverse the Sixth Circuit’s decision and make clear that denying individuals medically necessary treatment on the basis of their gender identity violates the Equal Protection Clause,” **said Rafael Langer-Osuna, Co-Chair of the National Trans Bar Association.** “The National Trans Bar Association supports the right of all transgender people, regardless of age, to have access to medically necessary gender-affirming care. As transgender and non-binary attorneys and law students, we unequivocally stand with the plaintiffs and with the transgender youth of Tennessee and Kentucky, and condemn these states’ discriminatory attempts to deny their citizens life-saving medical care. We will continue to use our legal training and experience to protect transgender people throughout the U.S. and the world against discriminatory attacks on basic human rights.”

“BALIF unequivocally supports the right for transgender youth to have access to gender-affirming medical care,” **said Dustin Helmer, Co-Chair of Bay Area Lawyers for Individual Freedom (BALIF).** “The consequences of denying this right are not only immoral, but often life-threatening. BALIF endorses the request for the Court to reverse the Sixth Circuit’s decision and make it clear that bans on medicinal treatment for transgender adolescents violate the Equal Protection Clause. We abhor Tennessee and Kentucky’s discriminatory attacks on transgender adolescents, and we will continue to fight for policies that uplift and provide safety and dignity for transgender people all over the U.S. and world.”

“Transgender young people and their families need access to medically necessary treatment, and they need the Court to recognize their right to determine, with their doctors, what is best for them *without* unjustifiable and discriminatory government

interference,” said **Thomas W. Ude, Jr., Legal and Public Policy Director at Mazzoni Center.**

The Kentucky families’ brief is among [over 30 friend-of-the-court briefs](#) being filed today. Bioethicists, medical providers, medical historians, family law professors, additional families in states where care has been banned and more are urging the Supreme Court to rule against bans on essential medical care for transgender adolescents so that families can make the health care decisions that are best for their children.

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**The American Civil Liberties Union (ACLU) of Kentucky** is freedom's watchdog, working daily in the courts, legislature and communities to defend individual rights and personal freedoms. For additional information, visit our website at: [www.aclu-ky.org](http://www.aclu-ky.org).

**The National Center for Lesbian Rights (NCLR)** is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, transgender, and queer community through litigation, public policy advocacy, and public education. Since its founding, NCLR has maintained a longstanding commitment to racial and economic justice and the LGBTQ community’s most vulnerable. [www.nclrights.org](http://www.nclrights.org).

Through strategic litigation, public policy advocacy, and education, **GLBTQ Legal Advocates & Defenders** works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. [www.glad.org](http://www.glad.org)