

Q&A: PFLAG V. TRUMP

Trump's Attack on Gender-Affirming Care for Trans People Under 19

Q: What impact has the executive order had on trans healthcare across the country?

A: In the first week after the order was signed, some hospitals across the country — in Massachusetts, Maryland, Washington, Colorado, and Virginia at least — abruptly halted medical care for transgender people under age 19, canceling appointments and turning away patients, including some who had been receiving this care for most of their life. These cancellations include appointments for young people whose providers have already determined that puberty blockers or hormone therapy are medically necessary for them. Eighteen-year-olds—legal adults—also have had hormone prescriptions halted and scheduled surgical procedures cancelled. While other hospitals and providers are still providing care, federal agencies are already taking steps to enforce the President's orders that will result in unlawfully taking away funding from healthcare providers simply because they are providing best practice medical treatment.

Q: What are the ACLU and Lambda Legal's legal arguments against the administration's new executive order?

A: We are arguing that the Executive Orders are an unconstitutional exercise of executive authority for several reasons. First and most fundamentally, the President does not have the authority to restrict federal grants based on his own policy preferences. It is up to Congress to set restrictions on federal funds. Second, we are arguing that the Orders violate the Affordable Care Act's ban on sex discrimination in healthcare programs and services receiving federal financial assistance, as well as the disability discrimination protections of the Rehabilitation Act. The president cannot direct federal agencies to act contrary to law. These Orders also violate the constitutional guarantees of Equal Protection and Due Process by discriminating based on sex and transgender status, and violating the fundamental rights of parents and families. Finally, they violate the First Amendment rights of patients to communicate with their providers about medical treatment and to express their gender identity.

Q: Who are the ACLU and Lambda Legal's clients in this lawsuit? What are their stories?

A: We represent two organizations on behalf of their members, PFLAG National and GLMA: Health Professionals Advancing LGBTQ+ Equality. We also represent transgender adolescents and their parents and two transgender adults. Our individual family clients have been denied needed medical care because of these Orders, PFLAG members across the country have also been denied essential medical care because of these orders, and GLMA members would be unable to conduct research and provide care to their patients consistent with their professional and ethical obligations. The same medications continued to be prescribed freely as long as they are not being prescribed to allow a transgender person to live inconsistent with their sex assigned at birth.



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Q: What can families do to access care for their kids?

A: This is a terrifying time for families with transgender children and for transgender adults. People across the country are uncertain about the future of their needed medical care. For now, this medical care is still lawful and available in over half the country and parents should be coming up with back-up plans to ensure that their children are not left without treatment if a medical institution unexpectedly ends the provision of this medical care.

Q: How can we all best support trans people at this time?

A: We need people to speak up. Contact your elected officials in Congress and at the state and local level and demand they push back against the Trump administration's anti-trans agenda. Let your representatives and senators know that you expect them to stand up and oppose these attacks and that you will hold them accountable when they fail to do so. States and cities should be making clear that trans people still belong and still have legal protections. And states should resist cooperating with this administration's anti-trans agenda.

Because this anti-trans agenda is also fueled by lies and misinformation about trans people, everyone has a role to play in changing those narrative underpinnings. Speak up and out for trans people wherever you encounter the messaging used by the Trump administration that would deem trans people a threat just for existing.

PFLAG v. Trump was filed by Lambda Legal, the American Civil Liberties Union, the ACLU of Maryland, and Hogan Lovells and Jenner & Block.

