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Attorney General Frosh Joins Coalition Urging Court to Protect Access to Healthcare for Transgender Teenagers

BALTIMORE, MD (January 19, 2022) – Maryland Attorney General Brian E. Frosh joined a coalition of state attorneys general in support of a challenge to an unconstitutional Arkansas law that prohibits healthcare professionals from providing transgender teenagers with medically necessary care. The coalition of 21 attorneys general filed an [amicus brief](#) in the U.S. Court of Appeals for the Eighth Circuit urging the court to affirm a district court judgment that blocked enforcement of Arkansas Act 626, the “Save Adolescents from Experimentation” or SAFE Act. Despite medical consensus that gender-affirming care has a positive impact on adolescents with gender dysphoria, the law seeks to prohibit physicians and other healthcare providers from referring or providing this treatment to minors.

“No one should be denied access to healthcare because of their gender identity,” said Attorney General Frosh. “This law is discriminatory, retaliatory and unconstitutional.”

On April 6, 2021, the Arkansas General Assembly passed Act 626, which bans healthcare providers from providing gender-affirming treatment to transgender teenagers and even providing referrals for such treatment. Under the law, healthcare providers who failed to comply could lose their professional license and be at risk of professional discipline. On July 21, 2021, a district court granted a motion for a preliminary injunction blocking the law, and in August, the court enjoined the Arkansas Attorney General’s Office from enforcing any provision of Act 626 during litigation of the case.

Arkansas is the only state with a law banning medical treatments prescribed for gender transition. In today’s brief, the attorneys general explain that the law violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

Transgender people with gender dysphoria often suffer from severe distress due to the stigma associated with their gender identity. Among transgender people, there are higher rates of having serious thoughts of suicide and actual attempts at suicide than the overall U.S. population. Those risks are even higher among transgender youth. According to [research cited in today’s brief](#), if unaddressed, gender dysphoria can impact quality of life, cause fatigue, and

trigger decreased social functioning, including reliance on drugs and alcohol to cope with the impacts of discrimination, and lead to increased risk of HIV and AIDS due to inadequate access to care.

A survey in the *Journal of Adolescent Health* found that for youth under the age of 18, the use of gender-affirming hormone therapy was associated with 39% lower odds of recent depression and 38% lower odds of attempting suicide in the past year compared to youth who wanted but did not receive such therapy.

The [Centers for Disease Control and Prevention](#) found that transgender students were more likely to report being threatened or injured with a weapon at school, experiencing sexual dating violence, physical dating violence, bullying at school, electronic bullying, and feel unsafe at or traveling to or from school.

In today's brief, the attorneys general argue that access to gender-affirming healthcare must be protected, as it adheres to well-accepted medical standards.

The attorneys general also argue that decisions made between children, their families, and their doctors that are based on widely-accepted medical practices should be protected. Analysis has shown that while removing medical exclusions for transgender patients has had little impact on premium costs, the benefits have had a major impact on transgender people – including reduced suicide risk and lower rates of substance use.

In filing today's brief, Attorney General Frosh joined the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, and Washington.

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