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Steve Marshall
Alabama Attorney General



For **press** inquiries only, contact:

Amanda Priest (334) 322-5694

William Califf (334) 604-3230

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Attorney General Marshall Issues Statement Following Supreme Court Arguments Over Whether States Can Impose Age Restrictions on Sex-Change Procedures

(Montgomery, Ala) – Alabama Attorney General Steve Marshall issued a statement following today’s oral arguments before the U.S. Supreme Court in *United States v. Skrmetti*. Attorney General Marshall was at the court to support Tennessee’s defense of its law imposing age restrictions on irreversible sex-change procedures. The Biden administration and the ACLU challenged the law, arguing that it violates the Fourteenth Amendment’s Equal Protection Clause.

“Alabama is proud to help defend Tennessee’s commonsense law protecting kids from powerful, often irreversible, chemical and surgical ‘sex-change’ procedures,” said Attorney General Marshall. “Kids suffering from gender dysphoria deserve so much better than hormones and surgeries. Yet as we uncovered through court-ordered discovery while defending Alabama’s similar law, health officials in the outgoing administration teamed up with the World Professional Association for Transgender Health (WPATH) to issue purported ‘Standards of Care’ that were intentionally crafted to mislead courts into believing, contrary to every systematic evidence review that has been conducted on the topic, that kids need these treatments. The ruse worked for a while: lawyers at the ACLU were able to convince some lower courts, acting on an emergency basis with a thin evidentiary record cherrypicked by the challengers, to defer to these self-interested, self-appointed ‘experts.’ But what Alabama uncovered through our litigation underscores why the Constitution places the authority to regulate medicine with the States, not with activists or judges.

“As we saw today, the Court seems rightly skeptical of such cynical antics by the ACLU and the Biden administration. The scientific evidence is not on the challengers’ side, and neither is the law. Treating a young boy’s endocrine disorder with testosterone is simply not the same thing as using that drug to treat a young girl’s mental health issue by making her appear as a boy. One treatment preserves fertility; the other treatment destroys it. And recognizing that obvious medical reality does not violate the Equal Protection Clause of the Constitution. Try as they might, neither the ACLU nor the Department of Justice could explain away that fundamental truth. I look forward to the high court’s decision.”

Attorney General Marshall filed an amicus brief in October with the Supreme Court that revealed how the medical guidelines the United States relies on to attack Tennessee’s law were manipulated to hide the fact that little to no evidence supports giving sterilizing drugs and surgeries to minors. A decision by the Supreme Court is expected by next summer.

Attorney General Marshall has continued to lead the fight against the Biden administration’s push for irreversible sex-change procedures for minors, successfully defending Alabama’s law



and leading briefs in support of other states' laws. In January, the Eleventh Circuit cleared the way for Alabama's Vulnerable Child Compassion and Protection Act to be enforced.

Alabama's amicus brief and supporting materials are available here: <https://www.alabamaag.gov/boe-v-marshall/>.