



Brandt v. Rutledge (E.D. Ark.; 8th Cir.)

Topics Covered: LGBTQ Rights

Issue

The issue in this case is whether an Arkansas law banning gender-affirming health care for young people is constitutional.

AMA Interest

The AMA believes that nonjudgmental recognition of patients' sexual orientations, sexual behaviors, and gender identities enhances physicians' ability to render optimal patient care in health as well as in illness. In the case of LGBTQ patients, this recognition is especially important to address the specific health care needs of people who are or may be LGBTQ.

Case Summary

Act 626, otherwise known as the Arkansas SAFE Act, states that "a physician or other health care professional shall not provide gender transition procedures to any individual under eighteen (18) years of age," nor refer any individual to another health care professional for the same. The legislature's proffered justification for this Act is that "the risks of gender transition procedures far outweigh the benefits at this stage of clinical study on these procedures."

Under Act 626, any health care professional who provides gender-affirming care to a minor, or makes a referral for such care, is subject to discipline by a licensing entity or disciplinary review board. Further, the health care professional faces legal liability in a judicial or administrative proceeding for any "actual or threatened violation" of the Act.

On May 25, 2021, the plaintiffs, including transgender young people and their families, as well as two physicians filed suit to challenge the law. The complaint alleges that Act 626 violates the Equal Protection Clause of the Fourteenth Amendment, the Due Process Clause of the Fourteenth Amendment, and the First Amendment. It seeks declaratory and injunctive relief.

On July 21, 2021, the district court, based in large part on the AMA brief, preliminarily enjoined the law from going into effect. The defendants have appealed to the Eighth Circuit Court of Appeals.

Litigation Center Involvement

The Litigation Center joined with several other organizations in an *amicus* brief supporting the plaintiffs' motion for a preliminary injunction and joined a similar brief filed on appeal.

Eighth Circuit Court of Appeals Brief

United States District Court for the Eastern District of Arkansas Brief