



# Doyle v. Hogan (4th Cir.)

Topics Covered:      Lesbian Gay Bisexual Transgender and Queer (LGBTQ) Rights

## Issue

The issue in this case is whether a Maryland law that bans the use of so-called conversion therapy on minors is constitutional.

## AMA Interest

The AMA opposes the use of “reparative” or “conversion” therapy for sexual orientation and gender identity.

## Case Summary

The case involves Section 1-212.1 of the Health Occupations Article of the Maryland Code, which states: “A mental health or child care practitioner may not engage in conversion therapy with an individual who is a minor.” “Conversion therapy,” in turn, is defined as “a practice or treatment by a mental health or child care practitioner that seeks to change an individual’s sexual orientation or gender identity.”

The plaintiff, a licensed professional counselor, sued the Maryland governor and attorney general in the United States District Court for Maryland. He claimed that the Maryland law violates his rights under the First Amendment, including his right to free speech and of religion.

The governor and attorney general moved to dismiss the complaint for failure to state a claim, and this motion was granted. The court, after reviewing studies from mental health professionals and educators, held that conversion therapy could harm the emotional and physical well-being of minors, and the Maryland law would help abate those harmful outcomes. The court also rejected the plaintiff’s argument that the law burdened his freedom of speech or of religion.

Plaintiff appealed to the Fourth Circuit Court of Appeals.

## Litigation Center Involvement

The Litigation Center, along with the Maryland State Medical Society (MedChi), filed an *amicus* brief in the Fourth Circuit to support affirmance. The brief provided the court with literature and studies regarding the harmful impact of so-called conversion therapy.

United States Court of Appeals for the Fourth Circuit brief