



February 21, 2023

BY E-MAIL AND MAIL TO:

Governor Tate Reeves
550 High Street
Sillers Building, 19th Floor
Jackson, MS 39201

Re: House Bill 1125

Dear Governor Tate Reeves:

We urge you to veto House Bill 1125, the so-called Regulate Experimental Adolescent Procedures (REAP) Act. This bill bans medically necessary, health care treatments for gender dysphoria among transgender youth under 18 years of age. It would prohibit medical professionals from providing care, effective immediately, and deny parents their fundamental right to make decisions for their children.

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Last year on social media you said, “It is parents who have the ultimate responsibility for raising their children as they see fit.” In your recent State of the State address, you referred to the vital role of a parent, stating “Nobody, and I mean nobody, is more invested in the life and the future of a child than a parent . . . in Mississippi, it is the state who answers to parents and not vice versa.” On the paramount interest of parents we are wholly in agreement, but House Bill 1125 categorically undermines this sentiment. By denying parents their fundamental right to make healthcare decisions for their children, this bill asserts that the government knows more about a child’s best interests than their parents or guardians. The ACLU of Mississippi is greatly concerned with the damaging, and potentially life-threatening, effects this legislation would have on Mississippi youth as well as the utmost violations of individuals’ constitutional rights.

House Bill 1125 bans access to life-saving medical care. The bill effectively prohibits medical treatment for individuals under 18 years of age diagnosed with gender dysphoria, including gender-affirming hormone therapy. By outlawing healthcare treatment supported by every major medical association in the United States, the bill compromises the health and well-being of Mississippi youth. The bill also confines healthcare professionals by restricting access to the only evidence-based treatment available for gender dysphoria and impedes their ability to fulfill their professional obligations.

The proposed legislation is rife with constitutional issues. House Bill 1125 violates the equal protection rights of transgender youth and the due process rights of their parents. The bill blatantly discriminates on the basis of sex, including gender identity and transgender status. For example, the bill blocks hormone therapy treatment for transgender youth but allows that same treatment for non-transgender youth. Additionally, the proposed legislation infringes on the substantive due process rights of

parents to direct the care, custody, and control of their children, including the right to follow medical guidelines for treatment.

Notably, numerous courts across the United States have enjoined laws similar to House Bill 1125, finding that they violate equal protection and due process. In *Brandt v. Rutledge*, No. 4:21CV00450, 2021 WL 3292057 (E.D. Ark. Aug. 2, 2021), the court enjoined an Arkansas law banning gender-affirming health care for transgender minors. There, the court held that the plaintiffs were likely to succeed on claims that the law violated the equal protection rights of adolescents and due process rights of parents of minor children. This injunction was affirmed on appeal by the Eighth Circuit in *Brandt v. Rutledge*, 47 F.4th 661, 671 (8th Cir. 2022), and rehearing en banc was denied by the full court. In *Eknes-Tucker v. Marshall*, No. 2:22-CV-184-LCB, 2022 WL 1521889 (M.D. Ala. May 13, 2022), the court preliminarily enjoined an Alabama criminal ban on gender-affirming care for minors, finding that the law likely violated the due process rights of parents, the equal protection rights of adolescents, and the law was void for vagueness.

If more gender-affirming healthcare bans are passed, like that proposed in House Bill 1125, litigation will only increase across the country. At present, advocates in Oklahoma, Tennessee, and Utah have publicly promised to bring immediate legal action over recent legislation banning medical treatments for transgender youth. South Dakota is likely to follow soon.

As we have expressed loudly and repeatedly during the legislative session, healthcare decisions should be between the patient, their parents or guardians, and their individual medical professionals—not politicians. Legislation like House Bill 1125 is an attempt to penalize parents and healthcare providers for supporting Mississippi youth during their most challenging years. If enacted, this legislation will deny children lifesaving, medically necessary health care and violate the constitutional rights of Mississippians. Therefore, we urge you veto House Bill 1125.

Sincerely,



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CC:
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