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U.S. NEWS

Things to know about the latest court and policy action on transgender issues in the US



BY GEOFF MULVIHILL

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On Friday, Texas became the most populous state with a ban in effect against gender-affirming care for minors.

The law was allowed to kick in after a court ruling on Thursday, part of a flurry of action across the country on policies aimed at transgender people and their rights. A separate Texas ruling blocked a law that drag show performers feared would shut them down.

Here's a look at the latest developments and what's next.

TEXAS GENDER-AFFIRMING CARE BAN TAKES EFFECT

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Kansas officials are no longer required to change trans people's birth certificates, judge says

In its ruling Thursday, the [Texas Supreme Court](#) allowed a law banning gender-affirming care including puberty blockers, hormones and surgery for minors.

The ruling is not final, but allows enforcement of the law while courts determine whether it's constitutional. The decision is also a reversal of a lower court from the week before, when a state judge had said the law should be put on hold while it's sorted out.

Since 2021, 22 Republican-controlled states have passed laws restricting access to gender-affirming care for minors. At least 13 states, meanwhile, have adopted measures intended to protect access.

Several of the bans are so new that they haven't taken effect yet. [Missouri's kicked in](#) earlier this week. Enforcement of the laws in [Arkansas](#), [Georgia](#) and [Indiana](#) are currently on hold.

There are legal challenges to the policies across the country, and there isn't a clear pattern for how courts handle them. None have reached a final court decision.

COURTS IN THREE STATES HOLD HEARINGS ON CARE RESTRICTIONS

Two court hearings on the matter Friday did not immediately change the status quo in three states but showed how thorny the legal issues can be.

In Florida, a judge declined to take steps to immediately ease access to gender-affirming treatment for children or adults. Both age groups were affected by a ban which, [unlike other states](#), also has a provision that restricts access to care for adults. The ban on treatment was signed into law in May by Republican Gov. Ron DeSantis.

District Judge Robert Hinkle said that he would consider changes for adult plaintiffs if he sees medical evidence on how going without treatments could be harmful.

Some states clamp down on LGBTQ rights while others add protections

Several Republican-led states have moved to curb the rights of LGBTQ people in a number of areas, while some Democratic-led states are instituting protections.

Bathrooms Curriculum Drag shows
Gender-affirming care Pronoun use Sports

Source: AP reports

AP

He has a trial scheduled for February on the constitutionality of the Florida law.

But he noted that with similar cases moving through courts across the country, whatever he decides won't be the final word.

Also Friday, a three-judge panel from the Cincinnati-based 6th U.S. Circuit Court heard arguments on whether states can ban puberty blockers and hormones for transgender minors in both Kentucky and Tennessee, as lawsuits challenging the statutes makes their way through the courts. The appellate judges did not make a ruling but noted that a key factor would be determining which side was being more compassionate.

ALASKA MOVES TO RESTRICT SPORTS PARTICIPATION FOR TRANSGENDER GIRLS

The [Alaska state board of education](#) on Thursday voted in favor of a policy that would keep transgender girls out of girls sports competitions.

The board's action is a major step, but not the final one for the policy.

It's up to Alaska Attorney General Treg Taylor to decide whether to implement it. The attorney general, like the school board, was appointed by Republican Gov. Mike Dunleavy, who has called for such a ban.

At least 24 states have adopted laws restricting sports participation, including four where courts have put enforcement on hold.

KANSAS NO LONGER HAS TO CHANGE BIRTH CERTIFICATES

A federal judge ruled Thursday that [Kansas officials](#) no longer have to change transgender people's birth certificates to match their gender identities.

The ruling undoes a 2019 federal consent agreement that required the state to make the changes when asked. The reason for the change is a new state law that defines male and female as the sex assigned at birth.

The ruling puts Kansas among a small group of states, including Montana, Oklahoma and Tennessee, that bar such birth certificate changes. Under a [separate legal filing](#) from Kansas Secretary of State Kris Kobach in July, the state is among a few that do not allow people to change the sex on their driver's licenses.

TEXAS LAW THAT DRAG PERFORMERS FEARED IS PUT ON HOLD

Not all the latest developments are losses for transgender people.

A federal judge on Thursday [temporarily blocked a new Texas law](#) that drag show artists feared would be used to shut them down or put them in jail.

The law, which expands the definition of what's considered an illegal public performance of sexual conduct in front of children, was scheduled to take effect on Friday.

But a group of LGBTQ+ rights advocate and drag performers sued to block it. U.S. District Judge David Hittner agreed with their contention that it likely violates the First Amendment and paused enforcement while he prepares a more permanent order in the case.

Judges have also blocked enforcement of bans on drag performances in Florida and Tennessee.

This week, [advocates filed a lawsuit](#) in Tennessee trying to stop a local prosecutor who said he intends to enforce the law there despite the federal court ruling. On Friday, [a federal judge ruled](#) that law enforcement officials cannot use the limits to interfere with a local Pride festival in Blount County this weekend.

CANADA RESPONDS WITH A TRAVEL ADVISORY

Canada this week [updated its travel advisory](#) to the U.S., alerting members of the LGBTQ+ community that some states have enacted laws that could affect them.

The advisory doesn't single out states and it doesn't go as far as telling Canadians not to travel to the neighboring nation. Instead, it tells them to check local laws.

Non-government groups have issued similar warnings. In June, the Human Rights Campaign, the largest U.S.-based group devoted to LGBTQ+ rights, [declared a state of emergency](#) for community members in the U.S.

And in May, the [NAACP issued a travel advisory](#) about Florida citing policies and laws including bans on gender-affirming care for minors, requirements that transgender people use school bathrooms that don't match their gender, and restrictions on drag performances — although those were later put on hold.

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