

Supreme Court Lets Gender Dysphoria Ruling Stand in Win for Transgender Rights

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By Cara Murez HealthDay Reporter

MONDAY, July 3, 2023 (HealthDay News) – The U.S. Supreme Court on Friday let stand a federal appeals court ruling that found people with gender dysphoria should be protected against discrimination under the Americans With Disabilities Act (ADA).




(HEALTHDAY)

“By declining to hear this case, the Supreme Court implicitly acknowledges what those who have seriously examined the issue have concluded: the ADA protects people who experience gender dysphoria, including transgender and nonbinary people, from being discriminated against on that basis,” [Olivia Hunt](#), policy director for the National Center for Transgender Equality, told the *Associated Press*.

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Justices [Samuel Alito](#) and Clarence Thomas dissented.

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“The Fourth Circuit’s decision makes an important provision of a federal law inoperative and, given the broad reach of the ADA and the Rehabilitation Act, will have far-reaching and important effects across much of civil society in that Circuit,” Alito wrote. “Voters in the affected States and the legislators they elect will lose the authority to decide how best to address the needs of transgender persons in single-sex facilities, dormitory housing, college sports, and the like.”

The 4th Circuit was the first federal appellate court to determine that the federal disabilities law protects transgender people who experience anguish because of the disparity between their assigned sex and their gender identity, the *AP* reported.

The decision is only binding in certain states, those covered by the 4th Circuit. They are Maryland, North Carolina, South Carolina, Virginia and West Virginia.

Some LGBTQ advocates see the ruling as potentially helpful for challenging legislation that would restrict access to gender-affirming medical care for transgender people, the *AP* reported.

“The overwhelming majority of Americans support nondiscrimination protections for LGBTQIA+ people, and today’s decision means the ADA remains a mechanism that can help our communities secure those protections,” Hunt said.

The case began when a transgender woman named Kesha Williams sued the Fairfax County sheriff in Virginia for her experiences in jail.

Williams was forced to live in the men’s section of the jail because she had not had genital surgery, even though she explained to a jail nurse that she had gender dysphoria and had been receiving hormone treatments for 15 years, the *AP* reported. The jail’s policy is that inmates are classified according to their genitals, the lawsuit said.

Williams said she was harassed, didn't always receive her prescribed hormone medication on time and was denied requests to shower privately and to have body searches done by a female deputy, the *AP* reported.

The lawsuit was initially dismissed by a federal judge, who found the ADA excluded "gender identity disorders not resulting from physical impairments." Yet the 4th Circuit's three-judge panel reversed that, finding a distinction between gender identity disorder and gender dysphoria.

Among the reasons were that the American Psychiatric Association removed gender identity disorder from the current Diagnostic and Statistical Manual of Mental Disorders and added gender dysphoria, defined in the manual as the "clinically significant distress" felt by some transgender people, the *AP* reported.

Alito said the ruling "will raise a host of important and sensitive questions" on participation in women's and girls' sports, the use of traditional pronouns and sex-reassignment therapy by physicians who object on religious or moral grounds, the *AP* reported.

[Katherine Hermann](#), an attorney for Williams, said Alito's dissent "understates the seriousness of gender dysphoria and the importance of ensuring the protections of the ADA apply equally to everyone, regardless of their gender identity."

[Casey Ligan](#), general counsel for the Fairfax County Sheriff's Office, did not comment, citing Williams' pending lawsuit

More information

The American Psychiatric Association has more on [gender dysphoria](#).

SOURCE: Associated Press, June 30, 2023

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