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Transgender minors sue University of Missouri for refusing puberty blockers, hormones

Federal lawsuit alleges barring gender-affirming care to minors is discriminatory

BY: **ANNELISE HANSHAW** - NOVEMBER 16, 2023 2:03 PM





📷 Meg Tully leads a group protesting MU Health's cancelation of transgender minors' prescriptions chants toward Columbia City Hall Sep. 15. Two months later, adolescents from Boone County are suing the university for revoking their gender-affirming care (Annelise Hanshaw/Missouri Independent).

Two transgender boys filed a federal lawsuit Thursday seeking to reverse the University of Missouri's decision to stop providing gender-affirming care to minors.

The lawsuit, filed in the U.S. District Court for the Western District of Missouri, alleges halting transgender minors' prescriptions unconstitutionally discriminates on the basis of sex and disability status.

University of Missouri Health announced Aug. 28 that it would no longer provide puberty blockers and hormones to minors for the purpose of gender

transition.

The decision was based on a new law [banning transgender minors from beginning gender-affirming care](#). It included a provision to allow people those already receiving treatment to continue, but some providers stopped completely because of a clause included in the new law that they feared opened them to legal liability.

Washington University joined MU Health in dropping its gender-affirming care for minors.

“Untreated gender dysphoria often intensifies with time,” J. Andrew Hirth, an attorney for the plaintiffs, wrote in the lawsuit. “The longer an individual goes without adequate treatment, the greater the risk of debilitating anxiety, severe depression, self-harm and suicide.”



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Hirth argues gender dysphoria, the condition that describes the emotional distress caused by incongruence with one’s sex as assigned at birth, is a disability because it “is a physical impairment that substantially limits one or more major life activities, including the operation of the endocrine system.”

A lawsuit filed by the ACLU of Missouri’s [against Platte](#)

County School District earlier this year also labels gender dysphoria as a disability and part of the grounds for that litigation.

The plaintiffs' gender dysphoria will be impacted if the court doesn't find a remedy, Hirth argues.

Using initials to protect the identities of the minor plaintiffs, Hirth describes the transgender boys' medical transitions.

J.C. is a Boone County teen who has been receiving testosterone treatments at the advice of an MU Health physician, "Dr. M." He has grown facial hair over his 18 months on testosterone and other male sex characteristics.

His supply of testosterone is going to be depleted in February, and he has not been able to find a Missouri doctor to treat him.

"After a year of watching his body start to reflect his male gender identity, the sudden reversion to feminine characteristics will be deeply traumatic to J.C," the lawsuit says.

K.J. is younger than J.C. and identified as transgender prior to puberty. So, when he began puberty early at the age of nine, a MU Health doctor decided that delaying puberty would be healthiest and diagnosed him with gender dysphoria and precocious puberty.

He also can't find

treatment options and anticipates running out of his puberty-blocking medication in February.

“After the promise of going through puberty as a boy, his sudden development of female characteristics will cause K.J. severe emotional and physical distress,” the lawsuit says.

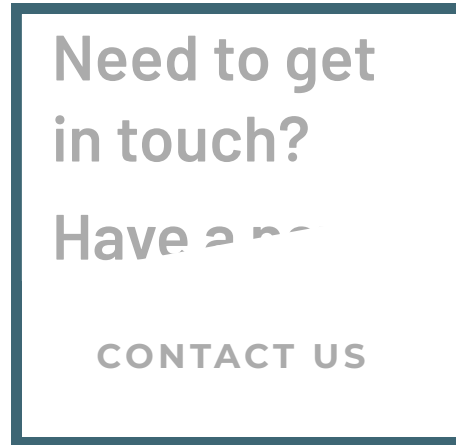
The lawsuit asks for the court to prohibit the university from denying medical treatment and “such other relief as the court deems just and proper.”

Hirth says he filed the case in federal court because the University of Missouri “receives millions of dollars in federal financial assistance every year” and is subject to the Affordable Care Act.

The Affordable Care Act “prohibits discrimination in any health program or activity on the grounds of sex or disability.”

Similarly, Hirth references the Rehabilitation Act of 1973, which prohibits programs receiving federal assistance from excluding people on the basis of their disability.

The lawsuit alleges that cisgender MU Health patients with other diagnoses can receive the same treatments the two plaintiffs are currently denied.



“Whether the University permits its doctors to prescribe puberty-delaying medication or HRT to minor patients depends not on whether the minor was already receiving treatment – as (the law)’s grandfather clause was intended to permit—but rather on the medical condition being treated and whether the medication’s intended effect is congruent with the patient’s sex assigned at birth and gender identity,” Hirth wrote.

He also cited Title IX, which prohibits discrimination on the basis of sex in education programs that receive federal funding. In the past three years, [federal courts have been interpreting Title IX](#) to include protection from discrimination based on gender identity following the Supreme Court’s June 2020 *Bostock v. Clayton County* decision, though the change is not universal.

The university’s attorneys told The Independent they received and are reviewing the lawsuit and did not have a comment.

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Annelise Hanshaw writes about education – a beat she has covered on both the West and East Coast while working for daily newspapers in Santa Barbara, California, and Greenwich, Connecticut. A born-and-raised Missourian, she is proud to be back in her home state.

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