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Page 1 of 2

Attorney General Marshall Sues Biden’s Department of Health and Human Services for Mandating Taxpayer Funds to be Used for Gender-Transition Interventions

(Montgomery, Ala) – Alabama Attorney General Steve Marshall [announced a 15-state lawsuit](#) challenging a new rule by the U.S. Department of Health and Human Services (HHS) that redefines the Affordable Care Act’s prohibition against discrimination on the basis of “sex” to include “gender identity.” If allowed to take effect, the new rule would mandate that medical providers perform surgeries and administer hormone drugs to both children and adults for the purpose of gender transition without regard for a doctor’s medical judgment as to whether that treatment is appropriate. The new rule would further require that medical providers allow patients into sex-segregated spaces, such as parts of a hospital reserved only for women patients, on the basis of their gender identity rather than their biological sex. Health care workers would also be required to use gender-affirming pronouns and would face punishment if they used biologically accurate pronouns.

“Despite repeated failed attempts, Biden’s Administration continues to illegally mandate that medical providers provide gender-transition procedures or face harsh penalties. Alabama and our coalition partners will not stand for this radical and unconstitutional behavior,” said Attorney General Marshall. “In healthcare of all places, the reality of biological sex matters. The need to protect vulnerable children from sterilizing transitioning procedures matters. Of all the Biden Administration’s misguided efforts, its campaign to replace biological sex with radical gender-identity theory may be the most pernicious because it is so obviously harmful and so obviously untrue.”

In 2016, the Obama Administration attempted a near-identical policy proposal prioritizing gender ideology over reasonable medical practices, even where medical providers believed gender-transition treatments or other procedures were not in the best interests of their patients. Federal courts declared that 2016 rule unlawful, and the States bringing this lawsuit expect the same result here.

The Biden Administration’s rule could have significant impacts on coalition states like Alabama that restrict the provision of gender-transition interventions to minors and prohibit the use of public funds to pay for these procedures. Covered entities found non-compliant with this new HHS rule risk the loss of significant federal funding – including the loss of billions of dollars in state Medicaid funding designed to assist low-income individuals – and exposure to civil liability through private lawsuits. The States



sued the Biden Administration today in the U.S. District Court for the Southern District of Mississippi.

Alabama joined the Tennessee and Mississippi co-led lawsuit, and was joined by the states of Georgia, Indiana, Kansas, Kentucky, Louisiana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, and West Virginia.