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**TN AND MS AGs LEAD MULTI-STATE SUIT TO PROTECT HEALTHCARE PROVIDERS  
AND STATES' RESIDENTS FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES'  
UNLAWFUL 'RULE'**

*Biden administration's pursuit of an ideological agenda must still be constrained by the rule of law.*

**NASHVILLE** – Tennessee Attorney General Jonathan Skrmetti and Mississippi Attorney General Lynn Fitch today announced a multi-state lawsuit challenging a new rule recently promulgated 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." Under threat of severe penalties, the rule would require medical providers to 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 was appropriate.

The new rule would further require medical providers to 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. And it would require every health care worker to use gender-affirming pronouns and punish providers for the use of biologically accurate pronouns.

In 2016, the Obama Administration promulgated a near-identical policy preferencing gender ideology over medical reality, even where medical providers believed gender-transition treatments or other procedures were not in the best interests of their patients. Federal courts struck down that 2016 rule as unlawful, and the States bringing this lawsuit expect the same result here.

"By filing this lawsuit today, we're sending a simple message: the Biden Administration has no legal authority to impose this radical ideological agenda on American healthcare," Attorney General Skrmetti said. "While countries across Europe are banning or drastically limiting irreversible transition treatments for kids after careful review of the medical evidence, the Biden Administration wants to illegally force every health care provider in America to adopt the most extreme version of gender ideology. Neither the United States Constitution, nor Section 1557 of the Affordable Care Act, nor our long-established system for state regulation of the practice of medicine allow this. In America, the people's elected representatives make the laws, and any effort by a federal agency to usurp that power is an assault on our constitutional order."

The Biden Administration's rule could have significant impacts on Tennessee, other States that restrict the provision of gender-transition interventions to minors and decline to use 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.

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

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