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interACT Files Supreme Court Amicus Brief Opposing Healthcare Ban that Endorses Invasive Medical Interventions on Intersex Children

interACT: Advocates for Intersex Youth filed an [amicus brief](#) in the Supreme Court case *U.S.A. v. Skrmetti*. This is a case brought by the U.S. government against the state of Tennessee, challenging its statutory ban on medically necessary gender-affirming healthcare for transgender youth, particularly the ban on access to hormone therapy.

Like other such state laws, Tennessee’s SB 1 does not merely restrict transgender adolescents’ access to care they want and need; the law also greenlights surgical interventions on the bodies of intersex infants and young children – even those that are highly invasive, non-voluntary and medically unnecessary. interACT’s brief educates the Supreme Court on the wide range of intersex variations, describes the harms associated with unnecessary interventions to change intersex children’s sex characteristics without their own consent, and demonstrates that Tennessee’s purported rationale of “protecting” children from irreversible medical procedures is a false cover for denying young people agency over their bodies and their lives.

Because every state law to date that bans gender-affirming care also contains an explicit “intersex exception,” the Supreme Court’s decision in this case will have far-reaching implications for the medical autonomy of transgender and intersex young people across the nation.

“Young people should be able to access and participate fully in decision-making about healthcare they want and need, whether they are transgender, intersex, or none of the above – and by the same principles, intersex children must not be subjected to procedures that make unnecessary changes to their bodies without their knowledge or consent,” says interACT’s Executive Director Erika Lorshbough. “The intersex carveout in Tennessee’s SB1 isn’t just an expression of discriminatory intent; it makes painfully clear that this law is nothing but an effort to inappropriately wield state power in the interest of enforcing rigid notions of sex and gender that are unscientific and utterly detached from human reality.”

“Gender-affirming care bans like Tennessee’s are unconstitutional, period. Writing in an intersex exception makes this conclusion all the more inevitable,” said Sylvan Fraser, interACT’s Legal and Policy Director. **“A state can’t hide behind hollow claims about preventing ‘irreversible**

harm' to minors when the same law that harms transgender adolescents by denying them access to necessary care also goes out of its way to keep the door open for non-consensual surgeries on intersex infants that we know cause life-long physical and psychological harm. We are confident that our amicus brief will help the Court to see this clearly for the sex-based discrimination that it is.”

[interACT](#) is the nation’s only organization dedicated exclusively to advancing the legal and human rights of youth born with intersex traits. Our core mission is to empower intersex youth in the charge to end the practice of nonconsensual and medically unnecessary medical interventions that have for generations been carried out on the bodies of intersex babies and children. This amicus brief was a collaboration between interACT, the Harvard Law School LGBTQ+ Advocacy Clinic, and the New York City-based law firm Patterson Belknap Webb & Tyler, LLP. interACT is deeply grateful for the skillful contributions of our colleagues, and their generous support of this underserved community.

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Through law and policy, media, and youth leadership programs, [interACT: Advocates for Intersex Youth](#) leads national conversations on intersex issues.